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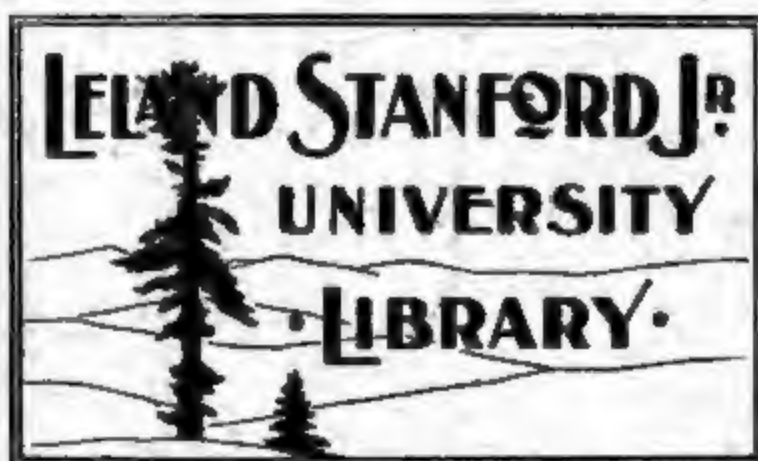
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# HISTORY OF NEW ZEALAND.

VOL. II.





HISTORY  
OF  
NEW ZEALAND.

BY  
G. W. RUSDEN.

*IN THREE VOLUMES.*

VOLUME II.

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# NEW ZEALAND.

## CHAPTER X.

### COLONIAL OFFICE REQUIRES INFORMATION.


MATERIALS for forming an opinion of the gravity of the situation were gradually supplied to the English Government. The Duke of Newcastle, until July, 1860, seemed unconscious. Parliament slumbered. Not since April, 1854, had New Zealand papers been presented. In July, 1860, they were again laid on the table. The Duke wrote that he could not "hold out any hope that it would be possible to increase permanently the present military force;" sent out four silver-headed sticks "to be given by the Governor to chiefs,"<sup>1</sup> and started on a tour with the Prince of Wales to the United States, leaving Sir G. Cornwall Lewis and Mr. Chichester Fortescue to sign documents until his return. The former of the two brought a judgment to bear which the Duke had wanted. He saw danger. Mr. Richmond's celebrated but (as he called it) able and interesting memorandum shocked him as it had shocked Sir W. Denison. Her Majesty's Government had very carefully considered the case, and were not prepared to meet Mr. Richmond's wishes. "A policy which requires the continual presence of a large force carries, in most cases, its condemnation on its face."

Mr. Richmond did not even hint at the propriety of investing the Home Government with larger powers for dealing with the

<sup>1</sup> Colonel Browne gave one forthwith to Hori Kingi Anaua of Wanganui (Despatch; 21st August, 1860).

native question, nor at sharing the expenses of war. Sir G. C. Lewis alluded "to these circumstances, not of course as relieving the Home Government from the duty of supporting the colony against a pressing danger, but because they must materially affect the disposition of the British Government and people to undertake that indefinite expenditure of blood and treasure to which Mr. Richmond invites them." On the 27th August, Mr. Fortescue referred to the complimentary addresses from provincial bodies to the Governor, and to Bishop Selwyn's protest against the address from Hawke's Bay, and while seeing no reason to question the justice of the proceedings towards Te Rangitake, asked for information upon the important question now brought forward, "namely, of an alleged right, distinct from one of property, existing in the chief of the tribe to assent to or forbid the sale of any land belonging to members of the tribe, in cases where all the owners are willing to sell, and how far such a right has been or ought to be recognized by the Crown." The reader has already been informed that the right of Te Rangitake and his followers did not depend only on his "mana," but included, besides the common tribal heritage and occupation of domiciles, special occupation, by tribal arrangement, of separate portions of the Waitara block. Many facts, however, were not officially reported to England for several years, and the legal significance of occupation by tribal arrangement was not laid down by the Courts until 1869, in the Rangitikei-Manawati case; but it is possible that if Governor Browne had made it known the Government in England would have forbidden the prosecution of the war. Some occupation was known to Mr. Richmond, but he denounced it as an encroachment on the proper owners. Mr. Fortescue declared that it was the desire of the Government to observe faithfully the letter and the spirit of the Waitangi treaty, and asked for full information whether—apart from the treaty there were reasons in favour of recognizing Te Rangitake's alleged rights, and whether, as appeared "to be the truth, they do not justify the claims of Te Rangitake upon the present occasion."

In reply to this query, Colonel Browne sent (4th December, 1860) a despatch compiled for him by Mr. F. D. Bell on **seigniorial right**. With its enclosures it occupied nearly a



hundred pages of a Parliamentary blue-book. It very erroneously declared that in the course he was pursuing, the Governor was adhering to the policy of Hobson, Fitzroy, and Grey. Fitzroy had distinctly recognized those Ngatiawa rights which Browne was denying to Te Rangitake; and Fitzroy was reviled for so doing by the very men who now applauded Colonel Browne for using force to compel land sales. He made many false deductions. Mr. Richmond supplied a characteristic minute, which was appended to the despatch, as the opinion of the Ministers. As to Maori land it contended "it would be foolish to seek precedents for the regulation of dealings with Europeans in the usages of a period when there were no Europeans in the country." The inquiry must be whether the right of veto had been recognized or asserted since the settlement. "If not, no such right can be supposed to exist." Yet by the treaty of Waitangi, in 1840, the Queen "confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may individually or collectively possess, so long as it is their wish and desire to retain the same in their possession." In their own generation the Ministry were indeed wise to refuse to look back so far. But whatever they might refuse to do, the Secretary of State should have remembered, or ascertained, that Mr. Spain had recorded the fact that Rauparaha had power to forbid a sale of land near Otaki.<sup>1</sup> Mr. Richmond concluded with his usual formula. To have admitted Te Rangitake's claim would have been "the dereliction of a plain duty, and an act of weakness unattended by any advantage beyond the postponement of a difficulty, which must soon have recurred in an aggravated form." With singular contortion of reasoning power, he declared that recognition of Rangitake's claims would have been "unjust to the native proprietors," and that "it would have been an abandonment of the principles laid down and acted upon by successive Governors for the settlement of the Ngatiawa claims in Taranaki." If the Secretary of State had referred to Captain Fitzroy's despatches in 1844, he would have found that an

<sup>1</sup> P. P. 1846. Vol. xxx. p. 102.

entirely contrary course was then adopted ; that justice was done and peace was maintained. There was a settler who made an earnest appeal to the Governor before the troops were marched into the field. He asked for a complete public and impartial investigation of the title. "Over the whole block rides the tribal or public interest . . . were the whole tribe consenting the title would of course be clear . . . but Teira, so far from having the whole tribe, has only an inconsiderable fraction in his favour, while against him is arrayed the great majority with the principal chief at their head." We learn from Mr. Swainson<sup>1</sup> that it was "not until nearly a year after the war commenced that it was publicly known that such an appeal had been addressed to the Governor." Such were the arts by which the Ministerial position was maintained.

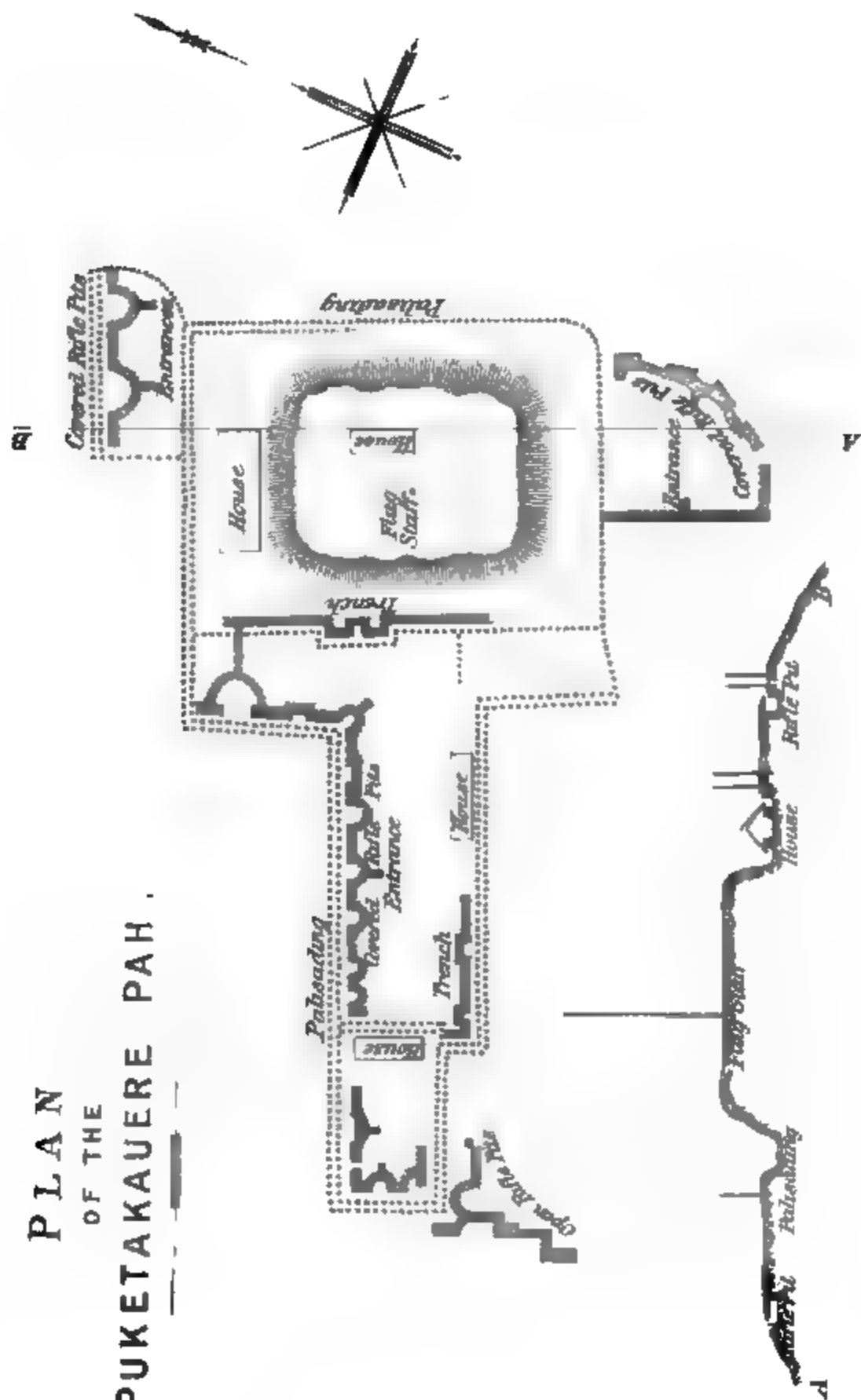
War was meanwhile proceeding at Taranaki. On the 6th July the Governor wrote that though his injunction against attacking Te Rangitake's bush pah had reference to the probable effect of combining the Maoris against British authority, he was "well convinced that any attempt to destroy the pah (which was almost inaccessible) would prove abortive." Meanwhile, a band of the Waikatos went as volunteers to join their countrymen. A pah, Puketakauere, was built within a mile of the English camp at Waitara. There was a skirmish on the 23rd June. Colonel Gold having employed Mr. Whiteley the missionary to spy the state of the pah (as a guest on the previous Sunday), authorized Major Nelson with 348 men of all ranks to attack it on the 27th June. Browne reported : "After a severe and gallant conflict he was obliged to retire with a loss of 30 killed and 34 wounded. . . . This reverse is likely to have a prejudicial effect upon our relations with the Maori race generally, and it is not easy to foretell the consequences." The Governor sent more troops—almost denuding Auckland—and wrote to England for reinforcements. He warned Colonel Gold to deal effectively with the enemy, "as the Maoris invariably construe even escape into victory." Colonel Gold's strength at the time was composed of 1188 of regular forces, and 573

<sup>1</sup> 'New Zealand and the War' (p. 97), by William Swainson, formerly Attorney-General for New Zealand. London : 1862.





# PLAN OF THE PUKETAKAUERE PAH.



Drawn by Thor Henderson.

militia and volunteers; but he found them insufficient. There must be immediate reinforcements. Every available soldier throughout Australia was required. Heavy guns were indispensable,—the artillery in hand being quite ineffective against the Maori fortifications. Puketakauere was indeed a notable discouragement to those who believed, with Busby, in 1837, that a hundred soldiers would be more than a match for the combined forces of all New Zealand. The pah was on a ridge between two fern-covered gullies. Major Nelson's forces were in three divisions, one of which was to cut off the retreat of the Maoris towards the Waitara river. The artillery opened fire from the north-west about 400 yards from the pah, but no breach was made which justified an assault. Suddenly, from the fern, unseen Maoris poured a fire on the main body of the troops. Major Nelson ordered an advance towards a ditch and bank, from whence, in extended order, the natives were firing. The advance was made "in a most continued and gallant manner until the men reached a deep ravine with an entrenchment behind which they found it impossible to pass, it being defended by two if not more large bodies of Maoris, who were almost entirely concealed behind it, and another entrenchment in rear, as well as the very high fern. Here a desperate and destructive fire was opened upon us and gallantly returned. Our skirmishers being far fewer in number and exposed in a much greater degree than the enemy, I deemed it desirable to direct them to join the main body; and our ammunition being nearly expended I withdrew the whole of the men and returned to camp in regular order." A civilian wrote:<sup>1</sup> "So much pressed were the British at last, that it was only by a timely discharge of canister shot that a retreat was effected. . . . So hasty was the retreat that many of the dead and wounded were left on the field, and quantities of ammunition were shot out of the carts into the fern to facilitate the flight."

The troops returned to their camp an hour before noon. The Maoris were believed to have been far more numerous than the English. It was said that those who were deployed in rear of the troops were Ngatiawa, brought by Te Rangitake to aid the men

<sup>1</sup> 'History of Taranaki,' p 208. B. Wells. New Zealand: 1878.

of Waikato in the pah. The latter also sallied forth, and from the fern and rifle-pits poured their fire upon the soldiers. After an interval of a day the Maoris went forward and buried the English dead within a mile of the English camp, and the soldiery began to entertain more respect for their foes than was felt by the settlers who lusted for the land. Two days before the attack on Puketakauere, the Maori king died. One of his last acts was to write to his old friend Sir William Martin, and beg him to be kind to the Maoris. Colonel Browne, as if unconscious that his own views had become of no significance, reported that he knew not the intention of the king party, but if they would abandon their movement, he was prepared to meet their wishes.

The son of Potatau, called at the time Matutaera, but who subsequently took the name Tawhiao, was chosen king. Colonel Browne had in April written to Bishop Selwyn, Sir William Martin, and Mr. Swainson, asking their opinions as to the measures to be proposed to the Maori chiefs at the meeting he had convened. They sent him a joint paper on the points on which they agreed, with separate papers on other points. One passage in the Bishop's paper declaring that "rights of ownership of land whether in one or many joint proprietors were not alienable without the consent of the tribe"—must have been wormwood to Colonel Browne. One of the joint recommendations was that there should be a council of advice, appointed by and responsible only to the Crown, in native affairs. When the meeting of tribes, convened by the Governor, took place, he told the chiefs that the treaty of Waitangi would be inviolately maintained by himself and all his successors; but in order to rouse the suspicions of the powerful Ngapuhi and others, he affirmed that the king natives desired to "assume authority" over other New Zealand tribes, and contemplated "the forcible subjection of those tribes who refuse to recognize their authority." Nevertheless much of the address was kindly. The Governor desired to obtain the views of the tribes as to the king movement—and to govern wisely. His speech was long. But having sent reinforcements to Taranaki and received satisfactory assurances from the chiefs at Kohimarama, he wrote on the 14th July to Colonel Gold: "You will



now have upwards of 2000 men of all ranks and a large force of artillery under your command, and you will, I trust, be able to strike a vigorous and effective blow on the rebel forces, either on the north or south of New Plymouth."

The ill-success of the campaign had meanwhile induced Major-General Pratt, Commander of the Forces in Australia, to take the field, and Colonel Browne (27th July) wrote to him that the Maoris were brave and formidable, and "boasted with some truth that since our first arrival in the colony the British troops have gained no decided advantage over them, though our arms have always been immeasurably superior, and our numbers often in excess of theirs. . . . Finally, I beg the favour of your protection and kindness to the friendly natives, more particularly for the chiefs Mahau, Aperahama, Ihaia (the murderer), and Teira, and their men . . . faithful allies. . . . It is, however, quite true that all Maoris will communicate intelligence to the enemy; so far from considering such conduct shameful, they look upon it as right and chivalrous." . . . Mr. Parris possessed his confidence and that of the Government, and he begged the General to consult him.

The great meeting at Kohimārama (on the Melanesian mission grounds) commenced on the 10th July, 1860. Two hundred and fifty chiefs had been invited from all quarters. About half that number attended. The Governor read his address in English. McLean read a translation in Maori. There was deep attention. The chiefs were then presented to his Excellency by McLean; the Governor departed; the chiefs returned to the conference. The districts most fully represented were the Bay of Islands, Kaipara, Auckland, the Bay of Plenty, Wairarapa, and the west coast from Wellington to Wanganui. There were some members of the Ngatiawa tribe, but the Thames, Waikato, Taupo, Upper Wanganui, and Taranaki tribes were barely represented. For a few days the orators generally advocated loyalty and peace. The haste with which the Governor had made war was animadverted on by all except the Ngapuhi. It was resolved to send written replies to the Governor's speech. They may be seen in the Parliamentary blue-books. Many of them expressed regret that the Maoris did not see Colonel Browne as they used to see

his predecessor. Some did not allude to the Taranaki war. The Ngapuhi addresses, two in number, breathed thorough loyalty to the Queen, and hostility to the Maori king movement and Te Rangitake. The Ngatiawa were less devoted. England had failed in duty in many respects. Land Commissioners believed three witnesses, but would not listen to a host who contradicted them. Maoris were not permitted to lease land to Pakehas; which was unjust. The Governor ought not to have sent abroad for soldiers to attack Te Rangitake, who only sought help from the Waikatos in New Zealand. The two first Governors had done no good; Governor Grey did much good; of the fourth Governor they did not know the thoughts except that he was in haste to fight Te Rangitake, which was alarming. The majority of the tribes expressed staunch loyalty, and some at the same time urged that peace should be made with Te Rangitake.

In the second week of the conference, the Governor sent several messages. One (16th July) was accompanied by "rules for the proper administration of justice," which he said had been carefully prepared by the friend of the Maoris, the late Chief Justice. Another (18th July) asked the opinion of the chiefs as to "the difficulties and complications of the ownership of land," and promised co-operation "in any system they might recommend, provided it would really attain the desired end." A third (19th July) declared that McLean was instructed to explain the Taranaki events to the chiefs, in accordance with their wish. The administration of justice, and land questions, were discussed, but relegated to deliberation by the tribes at their homes. McLean spoke for four hours, detailing the Government view of Te Rangitake's claim, to an intent auditory. Still the chiefs seemed to hope that peace would be made. In the third week the Governor sent a message suggesting juries *de medietate linguæ*, and asked for the views of the chiefs. Some received the suggestion favourably, but no resolution was arrived at. The Governor and his wife dined with the chiefs in the hall at Kohimarama in the third week, and gained popularity by doing so. After an adjournment of a few days, the chiefs, on reassembling, prayed that the native conference might be held periodically. Some said that if it had been thought of sooner,

there would have been no Maori king,—no Taranaki war. ✓  
Again they discussed the latter question, and finally decided that Hohepa Tamaihengia should visit Te Rangitake and explain the feelings of the conference. On the 10th August, resolutions were formally carried—disapproving the Maori king movement, ✓  
justifying the Governor, condemning Te Rangitake and his allies; highly praising the idea of holding the conference (or Runanga), and complimenting Mr. McLean. Three chiefs recorded their protest against the condemnation of Te Rangitake. On the 11th August, the Governor closed the conference with a complimentary speech, promising to convene them in the following year. He did not tell them of the urgency with which he had pressed upon General Pratt that military success must be at once obtained. Mr. Smith, Assistant Native Secretary, reported that the experiment had been so far successful, and might be made effective, under judicious management, for removing most of the difficulties attending native affairs. He called special attention to the conspicuous abilities of Tamihana Te Rauparaha and another Otaki chieftain, as well as to the important declarations of Waka Nene and Wiremu Nera, that they were ready to prove by deeds their loyalty to the Queen. Mr. Smith thought such announcements would have a good effect throughout the island.

To complete the papers to be presented to the General Assembly, the Governor on the 20th July had asked Mr. McLean whether the sellers of the Waitara block were justified in selling to the Government, and whether Rangitake had any right to interfere. McLean answered the first question affirmatively, and the second in the negative. When this statement was made public, Archdeacon Hadfield wrote in a newspaper that Mr. McLean had himself informed the Archdeacon that he (McLean) had not investigated Te Rangitake's title, and that a chief, Matene Te Whiwhi, averred that McLean expressed his regret that the Governor had been so hasty as to eject Te Rangitake by force without further investigation. McLean's defence was equivocal. He had initiated the investigation, though it was completed by an officer of the department, under McLean's instructions. He had told the Bishop of Wellington that he was "impressed with the belief that Te Rangitake's claim was

unfounded." "It is quite possible that I may have said that I had not personally instituted an inquiry on the spot immediately previous to the breaking out of hostilities." "I may have said that the cession by Te Teira would not be sufficient alone, unless he were joined, as he has been, by other influential claimants." It was the chief Matene who complained of the hastiness of the Government, and McLean had only admitted that such was the general opinion among the natives, which McLean combated in his conversation. His state of health had "made it impossible" for McLean to make personal inquiry as to Teira's title. On the 30th July, the Governor opened the General Assembly at Auckland. He arraigned Te Rangitake for forbidding a sale of land "to which he neither asserted nor possessed any title;" a daring untruth which his more astute advisers must have propounded with misgiving, and which must have been heard with astonishment. The speech alluded to the conference at Kohimarama, from which the Governor expected good results. The two Houses cordially echoed the speech, and the Taranaki war formed the subject of protracted debates. On the 30th August, by eleven votes against three, the Governor's proceedings were approved by the Council; but one of the dissentients was Mr. Swainson. On the 16th August, the representatives resolved, after various proposed amendments, and nights' and days' debates: "That in the opinion of this House, the interference of Te Rangitake at Waitara, and his resort to force to prevent the survey of land there, rendered the measures adopted by his Excellency the Governor indispensable for the due maintenance of Her Majesty's sovereignty, and that the welfare of both races of Her Majesty's subjects peremptorily requires a vigorous prosecution of the war to a successful termination."

Little did Colonel Browne and his advisers expect that in three short years the Government of New Zealand would be forced to confess that Bishop Selwyn and the Archdeacon were wise, and that the claim of Te Rangitake was righteous. But Governor Browne, in reporting the resolution of the 16th August, did scant justice to the representatives. He stated that some leaders of the Opposition were absent from the division, being unwilling to commit themselves definitely against

the war, but he did not state that there had been divisions in which the Government majority was less than on the final vote. The Opposition waited to see what the Ministry would do. Mr. Richmond, on the 3rd August, moved for leave to bring in a "Native Offenders Bill," and in doing so treated of the Taranaki war. He would, in future, move for a Committee to report upon the expediency of a change in the existing mode of extinguishing the native title, and would afterwards make proposals for the civil government of the natives. His own arguments and those of Mr. Forsaith, Dr. Featherston, and others who opposed or supported him, have been quoted already, so far as it is necessary to cite them. The eloquent appeal of Dr. Featherston on behalf of the Maori people, unrepresented in the House, provoked applause, but did not persuade the representatives to mete out the justice demanded. Yet Dr. Featherston, believing the war to be unjust and unholy, saw that retreat was dangerous, while success was shocking. Mr. Carleton moved for a Committee of Inquiry into the causes which led to the war. He was one of those who opposed the Native Offenders Bill. He laughed at Mr. Richmond's idea that the District Commissioner was himself a Court capable of determining the Waitara dispute:—"a Court that was at once judge, jury, and plaintiff." . . . "A District Commissioner (to borrow Mr. Richmond's words) to have power to declare a native claim 'a bag of wind!' He (Mr. Carleton) knew more of classics than of law, and remembered what happened to those who were entrusted by Æolus with the bags of wind. They let the wind out and raised a storm that wrecked them. We too were in a storm, and had yet to weather it." Mr. Carleton, in moving (August, 1860) for a Committee of Inquiry, declared that "the Government case had completely broken down." Te Rangitake's eloquent and forcible letter completely cut away the plea that he had no right to the Waitara land. The Government professed a willingness for inquiry, but they and their supporters thwarted it. Amendments were moved, and finally inquiry was forbidden. Amongst Mr. Carleton's supporters were Mr. Fitzherbert, Mr. Forsaith, Dr. Featherston, Mr. Bell, and Mr. Fox. The amendment (carried by Mr. Sewell) was that Archdeacon Hadfield and Donald McLean should be examined at the bar

of the House. Their opinions differed as to Te Rangitake's rights. The Governor triumphantly reported that the justice of his measures was asserted in the last division by 19 votes against 4; but it was impossible to gather from his despatch that in preliminary debates the majority was narrower, and that some members confessed with what reluctance they sanctioned an unjust war which, when entered upon, they felt it dangerous to the reputation of the Government to abandon. Of the discussions, at the close of which the New Zealand members virtually followed the Governor in submitting to the Ministry, it is just to furnish a short narrative.

Mr. Forsaith sadly admitted that no retreat could be made, but affirmed that the Ministry had "completely failed in disproving the assertion that in advising the course that led to the war they had been over-hasty and inconsiderate." Mr. Fitzherbert "contended for justice to the Maoris." He deprecated the "offensive and hostile expressions used by the Native Minister" (Mr. C. W. Richmond). There had not been sufficient investigation before the purchase was concluded. Mr. Williamson (Superintendent of the Auckland Province), while declaring his intention to oppose Mr. Carleton's motion, "could not acquit the honourable gentlemen at the head of affairs of having imprudently and too hastily advised the steps which led to active hostilities." . . . "He thought they ought not to have given the advice which it appears they did." Yet Mr. Williamson, while of opinion that the purchase from Teira was valid, hoped that the war would not be prosecuted to the bitter end, but that by the aid of friendly chiefs it might be brought to a close. Mr. J. C. Richmond denied that the war was "for a plot of land," but admitted that the "case of Ihaia was not a nice one for the Governor to take up, for Ihaia's hands were deep in blood." But the war must be prosecuted, and he charged the Commander of the Forces with "signal and unprecedented incapability." Mr. Fitzgerald, objecting to the appointment of a Select Committee, moved that evidence be taken at the bar of the House. "He thought the Ministry had exercised every necessary "precaution before advising his Excellency." Mr. Fox, who had *pro formâ* seconded Mr. Carleton's motion, supported Mr. Fitzgerald's amendment. He arraigned Governor Fitzroy's vacillating

policy, and charged Governor Grey with feebleness and an injurious desire to govern the Maoris by means of "personal influence." Governor Browne had "taken too little pains to ingratiate himself with the natives." He had given way to "pressure from without." When he remembered that the Native Minister was member for Taranaki, and the petition from the Taranaki Provincial Council urging the Governor to obtain land by coercion, on the ground that the natives were too weak to resist, he thought such sentiments "unworthy of a British community—only worthy those whom his Excellency's advisers had styled 'hoary cannibals living in a state of beastly communism.' . . . All compulsion was contrary to the treaty of Waitangi. . . . The dispute should have been disposed of by other means before an appeal was made to arms. . . . If the purchase was completed why were not the title-deeds laid on the table?" . . . Mr. C. W. Richmond interjected that "the purchase-deed was not usually made out till after the money had been paid. In this case it had been thought prudent to make it out sooner . . . because in the state of disorder it was quite possible that some of the claimants might have been killed." Then, said Mr. Fox, "the deed was executed before the purchase was completed." "No," replied Mr. Richmond; "it had been completed since the beginning of the war." But, retorted Fox, "the honourable member has told us that one of the boundaries was not yet drawn. . . . The interruptions made the case worse." . . . "With an incomplete purchase, hurriedly effected, and without any foresight of the consequences, the colony had been plunged into war. He felt bound as a member of the House, as a man, and as a citizen, to vote for an inquiry." Dr. Monro taunted Mr. Fox for his new-born zeal for the treaty of Waitangi. Did he, when a servant of the New Zealand Company, abandon his employers because they termed the treaty a "device to amuse naked savages"? Dr. Monro wished to see "the subjugation of the rebels accomplished in the first instance." They could think afterwards of schemes for dealing with native questions. Mr. Brown advocated inquiry.

Mr. Sewell (who had ceased to be a Minister in 1859) thought a general inquiry useless, but as Archdeacon Hadfield's name had been made use of, considered that he and Mr. McLean might



be examined. Mr. J. C. Richmond violently assailed Te Rangitake. In coupling the name of Parris with that of Ihaia, Te Rangitake proved that, as he recklessly murdered character, he would "not scruple at anything to attain his ends." As to Mr. Fox's attack on the petition of the Taranaki Council, though Mr. J. C. Richmond had no hand in framing it, he was "willing to adopt its opinions." . . . The "petition has no humbug about it; it plainly states all the wishes of the petitioners." As for the treaty of Waitangi, "it was at an end as far as these tribes were concerned by their act," when they marched in armed parties at Taranaki, in defiance of the Governor's proclamation, when the natives were quarrelling. Mr. Daldy, a member of Mr. Fox's brief administration in 1856, advocated inquiry. Mr. C. W. Richmond declared that the Ministry assumed a neutral position as to the motion for inquiry, but asked the House in "common justice" to consider the position of the Governor in guiding "the great machine of representative government." The line taken by some members raised in his "mind some serious reflections as to the fitness of Parliamentary Government for a country in the position of New Zealand." Mr. Dillon Bell deprecated animadversions upon the Governor; Mr. Brandon supported the motion for inquiry; and Colonel Haultain regretted the attack which had been made by Mr. J. C. Richmond on the Commander of the Forces, who had received special instructions (not to attack Te Rangitake on his own ground). Mr. Sewell, when the result of the debate seemed doubtful, (as a friend of his recent colleagues) moved that Archdeacon Hadfield and Mr. Donald McLean be heard at the bar of the House. Mr. Forsaith traversed the allegation that the Government had been forced into the war. They had taken a position that forced it. He thought a Committee of Inquiry should be chosen by ballot. It was pitiable to watch the impotent attempts of the Native Minister to extricate himself from the dilemma he was placed in by Mr. Fox as to the purchase-deed. Mr. King (one of the Provincial Council at Taranaki which petitioned the Assembly to permit Maoris to sell, whether they formed "a majority or only a large minority of claimants," and asked the Government to compel "an equitable division of the Maori common land,") stepped forward to take his share of responsibility for the



petition. Mr. Clark, confessing his ignorance of Maori language and usages, looked upon the "war, however we may grieve over it, as one of necessity." Mr. Fitzgerald's amendment was lost by 15 votes against 18. Mr. Carleton's motion was lost by 14 votes against 19. Mr. Sewell's amendment was carried by 18 votes against 12. The Archdeacon, examined by Mr. Fitzherbert, was cross-examined by Mr. C. W. Richmond and others. Mr. McLean, examined by Messrs C. W. and J. C. Richmond, was cross-examined by Mr. Fox. Their opinions have been sufficiently set forth in these pages. Afterwards Mr. Stafford carried, by 19 votes against 4, the resolution already quoted, which supported "the measures adopted by his Excellency" at Taranaki. The division was taken on a proposition made by Mr. Carleton to omit the words declaring those measures indispensable, and to retain those which asserted that "a vigorous prosecution of the war" was required.

Mr. Dillon Bell's speech showed how grinding was the pressure of events upon men's minds. He voted for Mr. Stafford's motion, but "thought it extremely probable we should find some of those now in arms against us could show a good title to some of Teira's block." He had thought so before, and the evidence of the Archdeacon and Mr. McLean confirmed the opinion. Yet Mr. Bell (not ignorant of the Maori character) would decline to hear their claims unless "they choose to come in as peaceful citizens." Had he been entitled to advise the Governor in March, 1859, he would have warned him that he was "getting into an almost insuperable difficulty" at Waitara; but he was indignant with Te Rangitake for "rejecting with contumacious insolence" the Governor's offer of a safe-conduct. Though the resolution ought to have stated that the steps taken were justifiable, not "indispensable," Mr. Bell would vote for it. He had many friends amongst the Maoris, but it was true mercy to teach them to submit to law by a war which he viewed "with most real grief."

Dr. Featherston inveighed, not against the Governor, but against the Ministry "who had so wantonly, so recklessly provoked" war. If with 3000 soldiers the position at Taranaki was barely tenable, how many would be required if the tribes in

general should rise against injustice? "I cannot help saying, that unless some unlooked-for success be shortly achieved, the question which this House will have to consider will be (if indeed it is not its duty at once to decide it), whether you are prepared to sacrifice the whole colony, or to sacrifice those who have plunged us into this wretched, this miserable war."

Mr. C. W. Richmond denied that he had brought pressure to bear upon the Governor. He thought only "two or three Europeans in Taranaki knew" beforehand that Teira intended to offer the Waitara block to the Governor, and his own "presence was accidental." Forgetting his urgent note to Mr. Parris,<sup>1</sup> or drawing a distinction between letters to him and to ordinary persons, Mr. Richmond declared: "After the offer was made and accepted, I never corresponded with any New Plymouth settlers upon the subject. . . . Could the Governor recede from the engagement he had made? His Excellency thought not, and we agreed with him. And I now declare, in view of all the calamities we are witnessing, that I should under the like circumstances give the same advice again. . . . We believed, and I still believe, that the force at command was, if properly handled, quite sufficient to overawe, or, if need were, to strike a decided blow at Te Rangitake, which would have terminated the war."

Mr. Fox hoped that the Native Minister would be able to show that "he and some of his constituents were not the authors of the war."<sup>2</sup> "It was the general desire of the honourable member and his constituents at Taranaki, to which he pointed as the key to this war."

Mr. Weld, who had become a member of the Government in July, recurred to the argument that a Maori ought not to be allowed to prefer "a claim with arms in his hands." He defended Mr. C. W. Richmond against Mr. Fox's imputations.

<sup>1</sup> Quoted previously, vol. i. p. 623.

<sup>2</sup> The difficulty of analyzing the contemporary statements about New Zealand affairs is shown in the fact that though Mr. Fox so vigorously inculpated the Ministry in 1860, he used very different language in 1876. Addressing the Royal Colonial Institute (23rd May) in London, he said: "I am bold to affirm that the colonists were not in any case responsible for the wars (in New Zealand)." — 'Proceedings, Royal Colonial Institute, 1875-6.'

Mr. Fitzherbert defended Te Rangitake, and averred that the marked contrast between the conduct of the Government at Taranaki and elsewhere showed "sinister influence exerted when it was hoped to be likely to favour the constituents and immediate dependents of the Native Minister." Subsequent speakers declined to relieve the Ministry of the burden which was sought to be placed upon the Governor. Mr. Carter said: "The Ministry entered on this war on their own responsibility, and unprepared for it." Mr. Stafford, confident of a majority, did not repudiate the imputation. "The time had come (he said), if ever, when in mercy to the natives the law must be upheld; this was the influence by which his Excellency and his advisers had been actuated." By the passing of Stafford's resolution war to the knife was declared; and it has been necessary to describe fully the proceedings which sanctioned it. Colonel Browne accounted for the small number of members who voted, by saying that perhaps some Opposition leaders did not wish "to commit themselves too definitely against the war;" that some Government supporters "did not take the trouble to attend;" and some members "recognized the justice of the war, but objected to a portion of the words of the resolution." Thus it came to pass that less than a majority of the House committed it to war;<sup>1</sup> and that the votes of representatives from the Middle Island overbore those of members from the north. A double curse followed. The dwellers in the north suffered for the crimes of the southern members. Unconscious of the common tenure of Maori land, or incapable of comprehending it, Colonel Browne reiterated his assertion that Te Rangitake had no claim on the Waitara block—"that the title of the vendors had been carefully investigated and proved good,"—and that "other claimants cited by Archdeacon Hadfield had been stimulated to put forward groundless claims by the agitation carried on by Europeans." His advisers were at his side<sup>2</sup> when, he

<sup>1</sup> The extracts in the text were transmitted with his despatches by the Governor. They were contained in a newspaper, favourable to Mr. Richmond; the 'New Zealander.'

<sup>2</sup> As Colonel Browne's friends have denied that he was so weak as to have been influenced by others to abandon his previous determination about coercing Maoris to sell land, it may be well to show that one of the ablest men in New Zealand thought at the time that he was so influenced.

added, that Te Rangitake's letters to Archdeacon Hadfield "set forth no definite claim," and that the Archdeacon would "better

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In 1858, in opposing Mr. Richmond's views on the Native Territorial Rights Bill, Colonel Browne cited the late Chief Justice Martin as one "whose experience and intimate acquaintance with the Maoris cause him to be recognized as an undisputed authority in everything relating to them" (P. P. 1860, vol. xlvii. p. 18). In September, 1859, before he was completely enmeshed, Colonel Browne wrote: "The Europeans covet these lands, and are determined to enter in and possess them—*Recte si possint, si non quocunque modo*" (*ibid.* p. 78). In the same paper he sighed for a council of advice (on Maori matters) containing Bishop Selwyn and Mr. Martin. In December, 1860, he aspersed Hadfield, and disputed with the late Chief Justice as to the true construction of the treaty of Waitangi, and of Maori terms and usages. Only a mental paroxysm could account for such a conversion, except on the supposition that outside influences had overborne the Governor. Archdeacon Henry Williams wrote thus—privately—to England: "Another Maori war, wantonly brought on by the Governor in the forcing of a disputed claim of land. . . . I stand aloof, not being yet brought into collision. . . . Where war will terminate no one can surmise. . . . Hadfield, tainted with the familiar term of traitor given to any one who may differ from them. . . . The language used by the Europeans towards the natives is extremely vile, and I am prepared to expect sad work." Again (July, 1860) the same keen observer wrote: "The country is involved in war through the folly of our self-willed Ministers, men of no experience in native matters. . . . The Bishop and the missionaries are most fearfully abused as traitors and busy-bodies. . . . Hadfield is in sad disgrace with the Government, having ventured to protest against this war. The Governor is a good man, but exceedingly weak, unable to resist his Ministers. The war is very popular, in the hopes of smashing the people altogether." Time has accustomed the colonists to hear of, if not acknowledge, the injustice of the war. In 1881, Mr. Swanson (member for Newton) said in Parliament: "It was nothing but an attempt to rob Te Rangitake of his land; one of the most unjust things ever done; and it was proved to be unjust, and the land had to be given back to him. Why, the very 'Gazettes' were falsified. The Maori was on one side, and the English on the other, and there were falsehoods on the face of it. The English said, 'The land is Teira's, but I will not allow it to be sold.' What was on the Maori side? The land was Teira's, but it is no more his property than the property of the rest of us, and I will not allow it to be sold — which made all the difference. . . . A great majority of the representatives from Auckland were for peace, and were even in favour of having the matter talked over with Te Rangitake, but they were hounded down as traitors, and I say it is unjust and untrue to say that the northern people got up that war. . . . If it had not been for the southern men we never should have spent either blood or money over it. That is how it was, and every northern man knows it."—'New Zealand,' Hansard, 5th September, 1881.

have fulfilled the duty of a loyal subject of the Queen if he had communicated them to me as the writer desired, instead of reserving them for use when he could appear in the character of an accuser." But those eloquent letters produced no generous feeling towards their writer, though their non-production was made a ground of complaint against the Archdeacon. Neither had Colonel Browne heeded the earnest letter which Te Rangitake wrote to him before the rape of the Waitara. Recently he had described Hadfield as "more thoroughly acquainted with the Maoris than any European in the country," and had urged that a council on advice on native affairs, which contained Bishop Selwyn and Sir W. Martin, would be so strong that calumny could not injure it. In reporting the debate he was so swayed by Mr. Richmond that half of his despatch (which, "to secure accuracy," was "shown to his advisers") was an indictment of the Archdeacon. Mr. Richmond, denying that the Governor had been influenced by him, rejoiced in the advice he had given, and boasted that if the thing were again to be done he would gladly give the word for war.

The Governor and his advisers relied upon their Kohimarama conference. They intended to hold another in 1861, and to obtain its deliberate opinion whether such conferences should be permanent institutions. The questions of "tribal title, ultimate individualization of native title, and the constitution of tribunals to determine Maori disputes amongst themselves about territorial rights," were, as Mr. Richmond informed the House, to be referred to the conference of 1861. But other members were less sanguine than he in expecting that by such means the king movement could be extinguished. He introduced a Native Offenders Bill, giving enormous powers to the Governor in proclaiming districts within which it should be unlawful to hold communication with the Maoris. There was excitement in Waikato while the Assembly discussed the Bill. Though the second reading was passed, the measure was afterwards shelved.

Bishop Selwyn, Hadfield, Maunsell, and others protested against the power of outlawing districts. It seemed to them that the Bill enabled the Governor to determine what was law, to decide who had offended, to ban any combination of natives, and to construe into an unlawful purpose any proceeding of the

natives not specially described in the Bill. They asked that no British subject should be subject to penalty or disability "without being brought to answer by due process of law." Stafford angrily accused the Bishop of lending his name to inflame passions and retard peace. The correspondence, perhaps, strengthened the Opposition in strangling Mr. Richmond's Bill.

A Bill to create a Council to assist in managing native affairs was reserved by the Governor for the Royal pleasure. The Council was to be appointed by the Crown. But its functions were to advise on all matters on which the Government might consult it, to assist in drafting laws, and to "act in special cases in an administrative capacity at the instance of the Governor in Council." Mr. Fox moved resolutions expressing regret that the Imperial Government had brought in a Bill removing native affairs from control of the New Zealand Legislature, and a Joint Committee of both Houses recommended that there should be a Council of advice on native affairs, appointed by the Crown, and consulted on all occasions by the local government, which should nevertheless exercise discretion as to accepting the advice of the Council. The Bill framed on this recommendation was amended at a Free Conference between the Houses; and on the motion of Mr. Sewell it was resolved to defer passing the Bill until the precise views of the Governor were ascertained, the House being desirous that the ordinary control of native affairs should be placed under responsible Ministers, "subject to the provisions of the Bill, and to the proper constitutional action of the Supreme Head of the Executive."

Thus challenged, the Governor accepted the resolution, with the proviso that the "constitutional action" should "have the same interpretation as regarded native affairs as in reference to other Imperial subjects."

The Bill introduced in the Imperial Parliament came to an untimely end. Mr. Fitzgerald, the rhapsodist of Godley, and editor of a Canterbury newspaper, at once assailed the Bill as curtailing colonial privileges. It contained every vice, and was called for by no necessity. It would make matters worse instead of better during the war. He denied that there had ever been a disposition to starve the native department, or to exhibit any narrow jealousy of the natives.

Mr. Fortescue, in August, 1860, told the Governor that the Bill had been withdrawn. Influential colonists opposed it as an invasion of their privileges, and other persons were hostile because they feared that English interference might imply correlative responsibility in war. Mr. Fortescue added that the Ministry considered it "their duty not merely to maintain the nominal authority of the Governor in native affairs, but as far as they properly can (under the New Zealand Constitution Act) to furnish him with the means of effectively exercising that authority." Mr. Fortescue had (perhaps unconsciously) truthfully defined the authority which remained with the Governor. That gentleman himself incidentally described his wavering and weaponless condition. His local Native Council Bill suffered so much change in the House that it was only at his earnest entreaty that Donald McLean consented to sit in the Council if the Bill should receive the Royal assent in England. Mr. F. Dillon Bell was to be Secretary, and Lieutenant Nugent, 58th Regiment, was to be member of the Council. To the Governor's "great regret" Sir W. Martin declined a seat on the Council proposed to be constituted. In sending the mangled Bill to England the Governor admitted that the relations between himself and his responsible advisers were unsatisfactory. "I believe," he said, "there has been little or no difference of opinion between myself and Mr. Richmond; but the responsibility has rested on me, while, with the exception of £7000 a-year (the appropriation of which I cannot alter without the consent of my advisers), the power of the purse, which is all but absolute, has been altogether in the hands of Ministers. This has been an unequal and unsatisfactory division." His conversion to Mr. Richmond's ideas, which he had once so sternly condemned, was too sincere to allow him to perceive whither he was being led. He lost no opportunity of praising his tempter. He sent copies of Richmond's speeches, with high commendations, to England. The Ministry was in danger during the session, but it was on the burning question of provincial finances. In committee on resolutions (moved by Mr. Richmond on native policy) the disposal of proceeds of land sales was involved. Forthwith a more vigorous sense possessed the members than when justice to Maoris was in question. Mr.



Fox protested against "any tampering with the compact of 1856." The Ministerial phalanx lost a few members. The division was 17 against 17. The chairman voted against the Government. On another occasion they were in danger: and even on the war they had advised, their position was insecure.

It was during the session of 1860 that the House of Representatives appointed a Select Committee to inquire into the circumstances under which Mr. Fenton's mission in 1857 was undertaken, "to introduce institutions of civil government" in the Waikato district. So far as their labours elicited facts occurring in 1857 and 1858, and distributed doubtful blame between the Native Secretary, Mr. C. W. Richmond and others, it has been convenient to state the results in preceding pages. But they sat often and long. They gave an Arawa chief, Wiremu Maihe Rangikaheke (a clever debater, of eager manner, and with an European cast of countenance), a message inviting the attendance of Te Waharoa the king-maker. McLean, who had in 1857 jealously rebuffed that chief when on a visit to Auckland, disapproved of the invitation, and induced Rangikaheke to disregard the Committee. Before doing so, he told Sewell, the chairman of the Committee, that he did not approve of summoning Waharoa; but, on being examined, he declared that when he intercepted Rangikaheke he was not aware that the chief was the bearer of a letter from the Committee. He professed to be anxious for Te Waharoa's presence, and undertook to procure it, if possible, by other messengers. He failed. But the king-maker wrote thus (24th January, 1861) in reply to the chairman's invitation. The deeds done at Taranaki repelled him; and perhaps he remembered the stealthy capture of Rauparaha. "Salutations to you, the chairman of the Governor's Runanga. I have received your letter which was written in October, inviting me to Auckland. Here is a waiata (song):—

‘Continue to strive in vain;  
By you I will not be rent in sunder:  
Like the tree of the forest  
I will maintain a bold front.  
'Twas I that loosed you from this belt,  
And now—behold the boundary which divides us:  
I am the centre of Raukawa.’



Friend, what is the use of our talking after the evil has taken place? Had you, indeed, written when the evil was small, it would have been well, and I would have gone; but now that the evil has grown to the height, what is the good? Behold the kindling of a fire. When it is small it can be put out; but when it has spread it cannot be extinguished. So, when the tide is low the creek can be crossed, but not when the tide has swollen to the full. So with the night; by day men travel, but they go not about by night. Witness the words of our Lord Jesus Christ (John ii. 9, 10). You ask me to make my thoughts known. Hearken; if any chief goes before the Governor, and supports the 'mana' of the Maori, and our right to hold our land,—such are my thoughts. These are the causes of the setting up of the king. If you see a chief whose words seem hard when he visits the Governor, or is present at Pakeha or Maori inquiries—he is my friend. Or if you see a chief who declares that his own 'mana' is over his own piece of land, know that such is my thought. I have heard that Rangikaheke and Waata Kukutai have been before the Pakeha Runanga, and told their opinions. Lo! that is it; hearken to them. It was one of those thoughts that set up the Maori king. I cannot, however, tell you all the causes. They are many. Let the portion I communicate be small. One thing I will tell you: the Governor's words are as wool, but within, at his heart, he is a ravening wolf.—From your slave, W. T. TE WAHAROA."

Knowing well how the Governor's mild professions were outraged by the forcible seizure of the tribal lands; and perhaps (in the undoubting conviction of a mind to which tribal tenure had been familiar from youth), incapable of believing that any one could be ignorant that the rape of the Waitara was lawless and wrong, Waharoa used plain language. It alarmed the Governor's advisers. They began to find that brave language in the House would not carry on the war. By appealing to excited passions, and perverting the case so as to make it seem that the honour of the Queen was pledged to do dishonourable deeds, they had secured majorities, in which members from the undistracted Middle Island were prominent. But majorities without means were worthless. British blood and British treasure were demanded. General Pratt, in August, 1860, reported that the

military position was difficult. The Maoris crept up in small parties, inflicted damage, and escaped with impunity. "With the assistance of my advisers," the Governor wrote, "I have been able to comply with all General Pratt's demands, and to assure him that this Government will spare nothing to enable him to carry on the war vigorously, and bring it to a successful conclusion." At the same time, he wrote: "I sent Mr. McLean to aid in reassuring the friendly natives, who appear to have lost confidence in us." General Pratt was urged to remove the women and children from the settlement; and, when relieved from impediments, to inflict severe punishment on the enemy, who always "construed escape into victory," and who generally escaped. Friendly natives, including Ihaia, were to be paid.

Thus instructed, the General returned to Taranaki, where Major Nelson had obtained sixty-eight pounders, with which he could, from the Waitara camp, breach the Puketakauere pah, and avenge his repulse. In a few days General Pratt reported that the Maoris at the south suddenly retired from their entrenchments, and abandoned the Puketakauere pah. Neither Mr. McLean nor the friendly natives could explain these movements. The General was anxious to fight, but could find no enemy. Yet the settlers were all crowded in a space of thirty acres at Taranaki; and McLean reported that only two persons, the Rev. Mr. Brown and a Maori disciple, could go as far south as Onata without being shot. In September the General advanced upon empty pahas; but when approaching the forest the troops were fired upon from an ambuscade. Colonel Browne lamented (18th September) that no serious impression had been made, and urged the General to harass the enemy by guerilla attacks in their planting season, then beginning. The difficulty would be great; but unless the war could be put an end to at once it might be continued indefinitely.

It was much easier to give such advice than to act upon it. Gliding through the forest which enclosed the open country near the sea, the Maori had the advantage of the encumbered soldier. Silence was golden in such a case, and the mute Maori heard with pleasure the rattle of the Pakeha accoutrements, or the angry exclamation of the soldier as he struggled through the tangled thicket. The General was not content to receive such advice

silently. He described the situation which he had found on the 3rd August. Settlers were driven in, cattle seized, property and houses destroyed. An attack on the town was threatened. The troops were divided. Outposts threatened by the enemy could not be abandoned; and their garrisons reduced the number of men available for general action. The enemy passing through the forest could at any time unite his forces. The inhabitants would not be deported as the General wished. He had only prevailed on 112 women and 282 children to go, and he could not resort to actual force. He had hoped to make an example at Puketakauere, by cutting off the retreat of the rebels before taking the pah, and regretted its evacuation. He found it impossible to prevent the retreat of the Maoris from any place they did not wish to defend. During a few weeks he had destroyed between twenty and thirty undefended pahas, large numbers of "whārē," or habitations, and much provisions. The plan proposed to him by Colonel Browne, of harassing the Maoris by constant attacks, was impracticable. He did not dread an increase of the numbers of the Maoris. If they would defend an accessible position, or accept battle in the open country, he was satisfied that he could obtain good results. Colonel Browne did not press his views on the General, but wished the Secretary of State to observe that, when he flung down the gage of battle in March, he had every reason to suppose that the available force (more numerous than the Maoris) was more than sufficient to put down opposition. He was beset with reports that Auckland would be attacked. A chief at the Thames was said to have planned an expedition against it. Friendly natives warned him, and Tamati Ngapora told him (27th September, 1860) that the out-numbered Maoris laughed at the idea of being beaten by the soldiers, who fought bravely in Pakeha fashion, marching so close together that one bullet would kill two of them, and suffering at the hands of a few enemies in consequence. Colonel Browne complained of "insufficient funds, circumscribed powers, and inadequate assistance." "Reinforcements from England were anxiously looked for."

A terrible alarm came upon Auckland in October. Eriata, a Maori, was found dead at Patamahoe, about thirty miles from Auckland. The natives thought he had been shot by an

Englishman. A meeting was called, and it was ascertained (the Governor wrote) that at a given signal all the Europeans present were to be murdered. Archdeacon Maunsell was in the neighbourhood, and McLean went to the meeting. After the Archdeacon had spoken, McLean was able to allay the excitement. Ihaka was conspicuous for his friendliness. He was the chief of the dead man's tribe. But another meeting was held a few days later. A war-party of 100 Maoris went thither. Ihaka with two followers met them, in a peculiar attitude, interpreted to mean—"Here we are, what do you want with us? We are prepared." A war dance ensued; fierce speeches were made; the production of the supposed murderer was demanded, then an examination, and, in case of proven guilt, the surrender of the culprit to the Maoris. Ihaka and Mohi replied that the previous inquiry was sufficient. Mohi, at the end of his oration, broke a stick, throwing one piece on the ground, in token that the matter had been concluded. "Let there be no evil" (he said) was old Potatau's advice. Tamati Ngapora (uncle of the king) pacified the war-party, and invited them to a feast, which ended the proceedings.

A few days afterwards two Europeans assaulted Ihaka, as he was labouring for peace, and the chief assured the Governor that if his blood had been shed his followers could not have been restrained. Two days later Browne held conference with Tamati Ngapora and Takerei, who had become an adviser of the Maori king. The former alleged that a Maori, who had fought at Taranaki, had been sought for by the police at Auckland. His arrest would have been a sufficient cause of war. (Parenthetically, the Governor told the Secretary of State, "the man was not arrested because I feared reprisals on our out settlers, and a magistrate who declared his intention to arrest him was fortunately unable to put it into force.") After four hours the conference broke up with little result.

Two days later (31st October) came tidings that the king-maker was on his way to the scene of the supposed murder with 400 men. Alarm ran like wildfire through Auckland. Europeans at Otahuhu, nine miles from Auckland, hurriedly at night implored protection. Browne instructed Colonel Kenny to call out the militia, and do what he could. Later, at

midnight, Ihaka visited Browne, to say that the king-maker had informed him and Tamati Ngapora that no aggression of which they might disapprove should be committed. Browne countermanded the order for sending soldiers to Otahuhu. But all was not over. The Maori-king natives mustered at Ngaruawahia. The resolute Rewi, the Ngatimaniapoto chief, was, fortunately, absent at Taranaki. From Ngaruawahia more than 300 warriors went down the Waikato river in their war-canoes, under the young king Matutaera and Te Waharoa the king-maker. At Paetai they had a war-dance. A letter from Ihaka, to say that the death of Eriata had been duly considered, did not restrain the young men of the party. They disregarded Matutaera, who returned homewards with his mother. The king-maker remained with them to prevent mischief, but could not induce them to abandon their journey. At Tuakau, about thirty-five miles from Auckland, Bishop Selwyn and Archdeacon Maunsell met them. Though his advice was reviled by Mr. Richmond and his colleagues, the Bishop was ever daring to do good and to make peace. Long conference took place. Some wild spirits brooked no delay, and with two canoes pursued their journey. The Archdeacon told the king-maker, who sent a letter after them in haste: "Come back, and come back in peace." ✓ Whakapaukai obeyed the missive; and Mr. Gorst remarks that the Europeans owed their salvation on this occasion to Te Waharoa, the Waikato rebel. It was known afterwards, that by journeying on foot, the Bishop had carried a message to friendly chiefs, who undertook to bar the war-party from passing through their territory. When the Bishop died, the settler, at whose house the Bishop arrived soon after sunrise, dripping from the fording of a creek, told the story. Pirimona was the name of a gallant Maori who shared the Bishop's troubles. The Bishop himself recorded the fact that the brother of the Maori supposed to have been murdered, when convinced that the supposition was untrue, mounted guard at the house of a settler to defend him from attack.<sup>1</sup>

In reporting the alarms caused by the death of Eriata, the Governor called attention to the fact that peace and life depended

<sup>1</sup> 'Life of Bishop Selwyn,' by Rev. H. W. Tucker. (London, 1877.) Vol. ii. p. 169.

on the exertions of a few chiefs, of whom only one received a stipend of £50 a year. "This brings prominently to light what I have so often stated, that it is only by means of employing the chiefs, giving them Crown grants, and attaching them to the Government, that we can hope to keep the country tranquil. The means placed at Sir George Grey's disposal enabled him to do this without difficulty, and I perceive that he is following the same plan at the Cape of Good Hope." The Duke of Newcastle (Jan. 1861) entirely concurred with the Governor that "the government of the natives should be carried on through the chiefs, and that it would be a wise policy to secure to the British Government their services by grants of land or money, or of such other advantages as are calculated to retain their attachment." The contradictions in human nature were never more exemplified than by such an interchange of sentiment between a Governor fresh from the pillage of Rangitake, and a Secretary of State who sanctioned the robbery, and thus caused a war which cost thousands of lives and millions of treasure. Sir William Martin prepared a thoughtful pamphlet on the Taranaki question. Maori land tenure, the facts connected with and the dispute about the Waitara block, the proceedings of the Government and their probable consequences, were handled with judicial gravity and humane earnestness. The injustice of the Native Offenders Bill was touched upon, and the writer declared that simple justice only was needed in dealing with the Maoris.<sup>1</sup> Those who are curious as to details

<sup>1</sup> Nets were spread widely to create offences under the Richmond-cum-Whitaker Native Offenders Bill. Any district might be proclaimed under it. Any visitor, any purchaser or seller within it, any holder of "any communication or correspondence whatever, directly or indirectly," with a Maori in it, &c. &c., or any person aiding or abetting any person in such offences, was to be deemed guilty. Tribes might be proclaimed under the measure. A first offence entailed a fine of £100 at the discretion of two Justices like the coveters at Taranaki. A second offence entailed hard labour with imprisonment; a third constituted felony, and drew down penal servitude for not less than three years. No investigation as to the causes of proclamation was provided for. Letters from Sir William Martin, written to procure peace, might have subjected him to the discipline of a gaol under the control of the Attorney-General. But it was only on general grounds that Sir William Martin argued against the atrocious provisions of the measure.

may read the pamphlet in the New Zealand blue-books of 1861. The Governor's advisers determined to reply to it. "Notes by the Governor on Sir William Martin's pamphlet" were officially promulgated. The public knew that Richmond and his colleagues prepared them, and from a revised edition the Governor's name was withdrawn. As the 'Notes' contained critical disquisitions on the Maori language, Colonel Browne must have been glad to be relieved from the imputation of authorship. There were higher grounds on which the Ministry sinned grievously in thus abusing his name, for the 'Notes' teemed with daring assumptions capable of disproof. Mr. Richmond's eagerness in the cause removed all doubt as to the moving spirit in the 'Notes,' for he wrote a separate 'Memorandum,' in which whole sentences were word by word the same as in the 'Notes.' His education, costly as it was to the State, was rapidly proceeding. In August, 1860, he told the House of Representatives: "I know nothing about 'mana,' and I don't care to know anything." In December he crossed swords with Sir W. Martin about the true meaning of the "tino rangatiratanga" guaranteed by the treaty of Waitangi. "Rangatiratanga" must be held to mean "ownership," and not full "chiefship," as Sir W. Martin had contended.<sup>1</sup> The special spleen nursed against Te Rangitake by Mr. Richmond found vent in a sentence which called him "an essential savage varnished over with the thinnest coating of Scripture phrases."

The Native Offenders Bill, which had been undefended in the 'Notes,' was lauded by its author in the 'Memorandum,' but Sir W. Martin's strictures upon it were unrefuted. Mr. Richmond averred that its "penalties were more for Europeans than for natives." He was compelled to admit that Sir W. Martin's pamphlet was "the fullest, the calmest, and most able exposition of the views" of friends of the Maoris; but, warming with controversy, he concluded that the late Chief Justice "had allowed the blind spirit of controversy to master a naturally impartial mind." Some natural sparks resulted from the conflict of truth with error. The Governor and his prompters had asserted that Teira's claim to the land he professed to sell had been "carefully investigated," and found good. The 'Notes' of the Governor and the 'Revised Copy' were constrained to confess to a very

<sup>1</sup> The best Maori scholars of course agreed with Sir William Martin.



different condition of affairs. "The title of the sellers (Teira, &c.) to part of the block is certain. The Government contends that their title to the whole is probable."

Sir William Martin rent this sophistry to shreds by declaring that military force was not placed in the hands of a Governor to enable him to seize by force that to which as a land-buyer he had not acquired a title. "It is not lawful for the Executive Government to use force in a purely civil question without the authority of a competent judicial tribunal. In this case no such authority has been obtained; no such tribunal has been resorted to. If there was no existing tribunal, the duty of the Government was to establish one. . . . To acquire the Waitara land immediately was not a necessity. To do justice to the Queen's subjects was a necessity."

The 'Notes' and 'Revised Copy' dolefully complained that it was "one of the most serious embarrassments against which the Government have to contend, that publications such as those which the Bishop of New Zealand, the Bishop of Wellington, Archdeacon Hadfield, and now Sir William Martin, have put forth, lead the natives to believe that the Governor has initiated a new course of policy which will end in wresting their lands from them, and subverting the rights they possess under the treaty of Waitangi." Mr. Richmond's 'Revised Notes'<sup>1</sup> added that such publications were embarrassing, "even when circulated by persons whom it may not be worth while to notice. Sanctioned by the high authority of Sir W. Martin they really become a public danger." It was not the deed but the shame of exposure which confounded Mr. Richmond. (When one of the Governor's despatches declared, 29th March, 1859)—Should the purchase be completed, "it will probably lead to the acquisition of all the land south of the Waitara river, which is essentially necessary for the consolidation of the province as well as for the settlers"—Mr. Richmond might well fear that unless Sir William Martin could be silenced, the wrong-doing of the Ministry would be made clear; and he fought with desperate wildness. He had written with regard to the pahs on the block at Waitara

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<sup>1</sup> 'Revised Copy. Notes on Sir William Martin's pamphlet, entitled 'The Taranaki Question.' Published for the New Zealand Government. Auckland: January, 1861.



that Te Rangitake had been joined by natives who had "encroached with their cultivations upon the proper owners." (At a later date he wrote: "Everybody knew there were pahs. . . . Bell and I wrote an explanation showing that Te Rangitake's small pah was put up by consent of the selling party.") Nevertheless the case put by Sir William Martin compelled him to urge in the 'Revised Notes': "As regards the cultivations of Te Rangitake himself, neither he nor any of his people had cultivations on the block. No pah was burnt by the soldiers." Yet, in 1863, an English officer, Lieutenant Bates, 65th Regiment, found a witness to the burning of the pah in the person of Mr. Carrington, who was for twenty-two years surveyor at Taranaki; and another officer, Bulkeley, and a private, Houltham, both of the 65th Regiment, testified in writing that they were present at the destruction of the pahs in March, 1860. It would be tedious to trace all the tortuous windings of Mr. Richmond. How he dreaded the practised lance of the judicial knight was shown when the 'Revised Notes' were published by the Government. The Governor immediately promulgated a notice which, while "recognizing the right of free discussion," declared that there were occasions when its exercise was dangerous, and he felt it his duty to state that "such an occasion now exists in this colony." A copy of the notice was sent to Sir W. Martin. His 'Remarks' on the 'Notes' and on Mr. Richmond's 'Memorandum' were privately printed; but, in deference to the Governor's wish, Sir W. Martin wrote that he "abstained for the present from giving publicity within the colony to the following pages." In the 'Remarks' he refuted the assertion that Te Rangitake had broken faith with the Government by settling on the south bank of the Waitara. How little the statement, if true, would have assisted the contention of the Government, Sir W. Martin proved by pointing out that Teira, who was among those who re-migrated in 1848 under Te Rangitake, was recognized by the Government as having purchaseable claims where all rights were denied to his leader. With bitter truth Sir W. Martin pointed out that Governor Browne himself in 1855 described Fitzroy's recognition at Taranaki of all absentee Ngatiawas, as a "just decision."

Richmond denied that in law or in fact the law had anything to do with Maori territorial rights. They stood on treaty of

which the Crown was "the sole interpreter," and the Governor was "justified in enforcing his jurisdiction in the only practical mode, viz. by military occupation."

Sir W. Martin cuttingly answered: "I have argued that the people of Waitara, being subjects of the Crown, have not been dealt with as subjects of the Crown. Mr. Richmond answers by saying they are not subjects of the Crown; they have had all they are entitled to." Martin quoted the Waitangi treaty which guaranteed to them "all the rights and privileges of British subjects," and said those rights "must mean at any rate the opposite of despotism." Mr. Richmond had overlooked the fact that if the treaty were, as his argument implied, "a treaty in the ordinary sense, then the right of interpreting and enforcing it must belong not to one party but to both equally; that the natives are at liberty to resort to force in support of their view as much as the Governor in support of his; and that they cannot be charged with rebellion if they do so. However little the theoretical value of Mr. Richmond's doctrine may be, it is a significant and remarkable fact that such a doctrine has been put forth. It is remarkable as bearing on the position which I have maintained, that the natives at the Waitara, being British subjects, have not been treated as British subjects." What was it that Mr. Richmond "called by the name of the Crown" in the Waitara land-purchase? "The Governor judging in this particular case is simply and in fact Mr. Parris. . . . The majesty of the Royal word and the largeness of the national undertaking issue in the decision of an Assistant Land Purchase Commissioner." It must be conceded that in their own generation the Government were wise in endeavouring, by an *ad misericordiam* appeal, to silence the eloquence which they had no power to control, and against which they were unable to contend.

The Duke of Newcastle dared not rebuke the wisdom by which he refused to be guided. In March, 1861, he told the Governor: "It is an advantage to me to be in the possession of the views of so eminent a person as Sir W. Martin, accompanied by your own comments and criticisms, and those of your Ministers where you or they feel compelled to differ with him." But the advantage on which he congratulated himself bore no fruit. Sir W. Martin could prove that all Governors had solemnly

pledged themselves to obey the treaty of Waitangi; that Fitzroy had in the Queen's name recognized in all their integrity the admitted rights of Te Rangitake at Waitara; that as a chief, as a member of the tribe, and as an occupier, those rights were irrefragably centred in him;—but the proofs were lost on the barren intelligence of the Secretary of State, who equalled the Governor in folly. He approved of the “proclamation issued (by the Governor) for the purpose of inducing loyal subjects to refrain from publishing opinions which may tend to impugn the justice and legality of the course pursued by Her Majesty's Government during the present juncture of affairs in New Zealand.” Yet a lurking homage was paid to Sir W. Martin. With regard to the letter in which Sir W. Martin consented to withhold his ‘Remarks’ from publicity in the colony, the Duke wrote (27th May, 1861): “Although I should much regret that anything should be published by so high an authority as Sir W. Martin, which might tend still further to disturb the minds of the New Zealanders, I feel satisfied that he has only been influenced in the matter by a sincere desire to take that course which would prove for the ultimate benefit of the colony.”

When Colonel Browne notified to England Martin's consent to withhold the publication of his ‘Remarks,’ he deplored the effect of such arguments as Martin's. Disaffection was spreading; there was a “sad prospect before us of that struggle of races which it has been the constant and earnest aim of every Government in New Zealand to avert. (He did not wish to accuse Sir W. Martin.) I and my advisers have ever endeavoured to do justice to his motives.” With wonderful folly he referred to the protests of Selwyn and Martin against Earl Grey's iniquitous Instructions (of 1846) as a similar error; although in 1859 he had extolled Sir W. Martin as holding “the enviable distinction of being universally respected by all parties and both races,” and being the man whose character and wisdom would silence calumny if his advice were accepted on Maori affairs. Nor did the Governor's mental contortions end here. He informed the Duke of Newcastle (January, 1861), that Mr. C. O. Davis, the Interpreter, who resigned office when he found it untenable under the growing interference of the Governor's advisers, had published “at Maori expense” portions of Sir W.

Martin's pamphlet; that "those most competent to form an opinion consider the publication likely to do an incalculable amount of mischief; (and) under these circumstances I have issued the public notification (restraining the exercise of 'the right of free discussion')." Soon afterwards (March, 1861) he wrote: "I have always wished to communicate with Waharoa (the king-maker), but owing to the conduct of Mr. C. O. Davis, as described by himself to Mr. Clarke, I have never been able to do so." Yet when Waharoa sought in 1857 to lay the Maori grievances before the Governor he was not allowed to see him; and not till then did that chief call upon the Maoris to elect their king; and even in 1860, Donald McLean, then high in the Governor's confidence, intrigued to prevent Waharoa from appearing before the Select Committee on Waikato affairs.

Colonel Browne's first martial success was to comfort him soon after he had piteously entreated the Secretary of State to send more men from England. In October, 1860, General Pratt marched beyond Tataraimaka; and, after sap and steady firing with howitzers and mortars, took three pahs near the Kaihihi river, with casualties of only five wounded, amongst whom was Captain Pasley, R.E., serving on the staff and acting as engineer in the trenches.<sup>1</sup> The losses of the enemy were unknown. The advance of a large body of Waikatos to aid Te Rangitake was reported. A friendly native went to the camp of the latter. A Waikato chief asked if he had come for safety or as a spy. He replied that he had come of his own accord. He heard warlike and confident speeches, and returned with news that the plan of the Waikatos was to occupy different positions round the settlement and on the north of the Waitara river. On the 1st November, two Waikato chiefs wrote boastfully to Mr. Parris: "Friend, I have heard your word. Come to fight me—that is very good. Come inland that we may meet. Fish fight at sea. Come inland, and let us stand on our feet. Make haste, make haste; do not prolong it. That is all I have to say to you—make haste.—From Wetini Taiporutu. From Porokoru. From the chiefs of

<sup>1</sup> Captain (now General Charles) Pasley had held a civil appointment in Victoria, but, when danger invited, placed himself at the disposal of the Commander of the Forces.

Ngatihaua and Waikato." On the 5th November, the General was apprised that a body of Waikatos were to be at Mahoetahi (eight miles from Taranaki on the Devon Road to Waitara) early on the 6th. Communication by signals from Waitara to Taranaki enabled the General to arrange that troops should start from both places so as to arrive simultaneously at Mahoetahi. He led 683 troops from Taranaki at 4 a.m., and at 8 a.m. found the Waikatos in possession of the pah, then in a dilapidated state. From their post, as well as from the fern and a swamp, the Waikatos fired. Guns were brought into position, bayonets were fixed, and the pah was stormed—"the enemy still retaining for a short time hold of a portion of the pah, and keeping up a most galling fire from the fern and swamp." Colonel Mould arrived with a column of 300 men from Waitara, in the rear of the Maoris, at this juncture, and threw rounds of spherical case from a howitzer, to dislodge the Maoris from the swamp, to which when almost surrounded they resorted. "The enemy finding himself thus hemmed in, and under a most murderous cross-fire, after an action that lasted two hours, turned and fled with much loss." Shot and shell burst over and amongst the fugitives. The retreat was rapid and the rout complete. The General thought the Maori loss from 80 to 100. "I never saw," he wrote, "a more powerful or gigantic set of men than these tribes, whilst their power of concealment was most marvellous; indeed. when close upon them, we only knew of their whereabouts by the smoke from their guns." Of the English four were killed, and 15 wounded. The General reported that 27 Maoris were found dead. They were buried by the English; the friendly natives rendering no assistance. The boastful Wetini was among the slain, and the General thought Porokoru was killed also, but he lived to fight in after years at Waikato. Wetini was honourably buried at Taranaki. The number of the Waikatos engaged was unknown, but it was supposed to be about a sixth of that of the English. Very few were unwounded. Wetini's brother carried off a bayonet sticking in his body, and preserved it as a trophy. For two miles the road was stained with blood, and dead bodies were found by the pursuers. The General loudly commended the troops, and the Governor declared that such a timely success was matter for sincere

congratulation. A Taranaki newspaper was jubilant. The day was a red-letter day in the annals of the province. "A shell had a most beautiful effect. The natives rose out of the swamp like birds, and were shot down and bayoneted, as they would not surrender." Great was the grief of the Waikato and the Ngatihaua. The king-maker had vainly endeavoured to dissuade his kinsman, Wetini, from the expedition. When a letter from Te Rangitake asked what was the use of sending him "a disembodied flag," and why no men went to support him, the dashing Wetini could abstain no longer but rushed to the fray. The king-maker prophetically said to him at last, almost in anger, "Then go and stop there." For months the "tangi," or wailing for the dead, was repeated at Tamahere by the Ngatihaua. Rewi, the Ngatimaniapoto chief, was accused of failure to support the popular chief. He declared that Wetini would not listen to advice; that he had sent messenger after messenger to keep Wetini back from the snare; that his last messenger was killed in the trap at Mahoetahi, and that no more could have been done. But the Ngatihaua refused to be comforted. They urged the king-maker to vengeance.

Reprisals at Auckland were apprehended, and additional troops were collected there; but it was to Waitara that the Maori war-parties were sent. Colonel Browne was not ignorant of the feeling which was spreading among the tribes. Two months after the battle of Mahoetahi he found that sympathy with the Waitara chief was extending in the province of Wellington. In an intercepted letter was found a boast that of the Ngatiruanui, Taranaki, Ngatiawa, and Waikato only 63 had fallen (of whom 86 died at Mahoetahi), while 1500 Pakehas had been killed,—showing that bulletins of all countries are untrustworthy. At Hawke's Bay there was in November, 1860, a great Runanga or assembly of the Ngatikahungunu; and a chief, Renata, made an oration of which the Governor sent a translation to England. The burden of the complaint was that the Governor plunged into war, and would not let the law decide whether Te Rangitake or Teira was wrong. "I indeed," said Renata, "will not be as the lick-potter Assembly of the Governor; my words are purper and plain, forasmuch as that Runanga has done wrong." He declared that the murder of

Katatore was of the darkest kind, and that the Governor, who was friendly to Ihaia, was become his accomplice. He denounced the statement that Ihaia was a chief of importance. He was of low rank at Waitara. Te Rangitake alone was their great man, and known by all tribes. Governor Browne contemned Renata's speech as "evidently the result of European advice." Renata in a published letter (February, 1861) justified his position, and replied to arguments of the Superintendent of Hawke's Bay.

In the end of December, General Pratt marched to attack the Waikato posted near Kairau at Matarikoriko. He had about 1000 men, two 24-pounder howitzers, one 12-pounder, and two mortars. He proceeded at half-past six in the morning to throw up an entrenched camp about 900 yards from the pah. Unmolested till nine o'clock, at that hour the troops were fired upon from a line of Maori rifle-pits, running along a deep ravine between the pah and the camp, and extending over 600 yards. From rifle-pits and high fern heavy firing continued till six in the evening, and was returned by the English. No firing took place on the following day (30th December), and when the General was about to resume operations on the 31st the Maoris had evacuated the pah. A Maori letter was found there in which a Waikato chief urged the combatants, Rewi and others, to spare the women and children. The English casualties were three men killed and 22 wounded. As usual the loss of the Maoris was unknown. The General considered it must have been great to induce the abandonment of so strong a position situate in a dense forest. Pleased with this success over "the vaunting Waikatos," as he called them in his despatch, General Pratt pushed forward redoubts in the face of an innocuous fire from rifle-pits. A letter from one of his allies had been found (in the pah captured on the 31st December), warning the Waikato of the intended attack, and the General thought of trying the writer by martial law, but the Governor dissuaded him. He could not afford to make enemies, and it was well known that a species of Maori honour caused men to warn an enemy of an intended attack. Some of the Taranaki militia and volunteers failed to attend parade when called on to accompany the troops, and the General wrote, that to command success he must have 5000 men exclusive of garrisons, and be



empowered to invade the Waikato country before moving southwards to Taranaki. He had no great confidence in the militia, and wished the senior officer of the regular troops to take command in all cases of mixed service. The Governor could not agree to under-rate the local forces, but offered to give brevet rank in the militia to officers of the army when required. With fire and sword at their doors and their throats, the Taranaki settlers were resolved to keep the terms of their honour precise. Meantime the gallantry of his foes worked upon the General's consciousness. They made vain diversions at the south of Taranaki. At the north, pushing forward in front of Huirangi, which had been Te Rangitake's head-quarters in November, the English found their Redoubt No. 3 daringly assaulted on the 23rd January. At half-past three a.m. a storming party crept up through the fern, and in the darkness made a lodgment in the ditch of the redoubt. They had a support in rear, and skirmishers were around. Colonel Leslie of the 40th Regiment thus described the attack: "The plan appeared to be to keep down the fire of our men on the parapets by their support and skirmishers, while the storming party scaled the left face of the redoubt. The force under my command was under arms previous to the attack, and quickly replied to the fire of the enemy, who in the most determined and desperate manner rushed up the sides of the parapet, and in some instances seized hold of the men's bayonets, while others crept round to the rear of the redoubt, and fired through the gabions which had been placed to fill up the entrances to the work, and one of the Royal Engineers was in this manner killed while coming out of his tent. A perfect storm of bullets was poured on us from all sides for a considerable time, and I called for assistance from Colonel Wyatt, 65th Regiment, commanding No. 1 Redoubt (at Kairau), for the purpose of dislodging the enemy from our ditch, as I had no hand-grenades." Two companies of the 65th and one of the 12th arrived. Charged by the new arrivals in gallant manner, the Maoris retired under heavy fire from the parapets and from the guns of the Royal and Naval Artillery. Thirty-four were found dead, and six wounded were left behind. Of the English, twelve were wounded and four killed. The bodies of the chiefs were taken to Taranaki for interment.



Many were so mangled by the grenades that they could not be identified. General Pratt wrote : "I trust that the severe losses this manly and high-spirited people are continually receiving will teach them how unavailing are their efforts against Her Majesty's supremacy, and will lead soon to a termination of this unhappy internecine war."

The wild spirits of youthful Ngatihaua, Ngatiraukawa, and other tribes had inspired respect in their foes ; but their wiser elders desired an honourable peace. Tamati Ngapora and Patara were vainly discussing its terms with the Assistant Native Secretary on the day on which the English bayonets were grasped by the Maori storming party. Soon afterwards (2nd February, 1861) Tamati Ngapora and Ahipene, with other chiefs of the north, conferred at Government House with the Governor, the Attorney-General (Whitaker), the Native Secretary (McLean), the Assistant Native Secretary (Smith), and the Land Claims Commissioner, Mr. Dillon Bell. The burly and good-humoured Ahipene presented the terms proposed. If they were accepted, the chief, Mokena, would be sent at once to bring back the Waikato from the seat of war. "1st. The piece of land at Waitara, let it be left aside or set apart, to be afterwards arranged or settled by a Court or Whakawhakanga. 2nd. Do not hold to, or bear in remembrance, the causes of evil, whether as regards men, the land, or killing, or property ; let these be all unloosened, all forgiven." Browne said such terms were inadmissible. Ahipene said they were the Maori idea. Would the Governor state what he wished ? English law must be recognized in future ; compensation must be given for the waste of Taranaki ; punishment inflicted for the murders at Omata in 1860. Ahipene replied that these must be questions for settlement, but he would not presume to anticipate the mode. The proper course was to make peace first, and settle differences afterwards. This the Governor would not agree to, and the chiefs said they had nothing else to offer. The Governor said the chiefs must understand that he did not confuse the murders at Omata with the conduct of Te Rangitake or of the Waikato. Ahipene said the Waikato must be consulted about Te Rangitake and the Ngatiawa. Colonel Browne asked if the chiefs could bind the Waikato or Ngatiawa.

They had no authority, and he pointed out that it was absurd to ask him to cease from war when they could not bind their tribes. Tamati Ngapora spoke. The work was that of the Governor and Te Rangitake, though others suffered. Let them put an end to it. The Governor was anxious for peace, but asked what was the use of a short rest, after which war might again break out? Tamati Ngapora put the Governor's stick on the table, struck the end, and said, "Where will the vibration stop? Not at the first six inches, not till it reached the other end." (Meaning that it was inevitable that other tribes would sympathize with Te Rangitake.) The Governor rejoiced that the vibration had crossed the ocean to England. The chiefs remained silent. The Governor said he was going to consult the Ngapuhi, and would gladly consider terms of peace on his return from the north. Old Patuone (Waka Nene's brother) said the insurrection was like an abscess, and could not be healed till the core was taken out. As to the Omata murders, Paratene ti Kopara was the actual murderer; and as he had been killed since, according to Maori usage atonement was already made. McLean said others were accused. Taraia (a Thames chief) asked who were the Governor's friends whom he desired to consult? Tamati Ngapora represented Waikato, Patuone the Ngapuhi, Ngatitoa was represented by Hohepa Tamaihengia, the Thames people by himself. Why not make terms at once? The chiefs approved, and Ahipene said if the Governor agreed that there should be peace, the word would go forth and the insurrection would not spread. The Governor said that the paper which had just been read would give no security for peace. War must be continued till more reasonable proposals reached him. He was answered by Ihaka (Waikato), ~~that~~ that points of difference could not be arranged while blood was flowing. He retorted, let Waikato return from Taranaki, and the blood of Waikato would cease to flow. While he was in the north, "let the chiefs work again at their own thoughts and those which he had indicated."

Colonel Browne told the Duke of Newcastle that it was with great regret he was obliged to refuse such an appeal as that made by the Waikato chief, Tamati Ngapora, "whose desire for peace was undoubted." He visited the Bay of Islands and

Mongonui, accompanied by Patuone, Ihaka, and Taraia. The Ngapuhi and Rarawa tribes received him loyally. On his return to Auckland he received a letter from the resident magistrate at the Bay of Plenty, narrating an interview, at Tauranga, with the king-maker, who justified the Maoris. Maoris sold their land blindfold for nominal sums; it was then cut up and sold for full value. "Have we not a better right to this advanced price than the Pakeha?" A Pakeha had told him that the Queen would claim all the waste lands as demesne lands of the Crown, and confine the Maoris to their cultivations. "This statement was confirmed by a Roman Catholic priest. I reasoned with myself: 'This land was given to my ancestors by Providence. We have retained it from generation to generation. Surely because it is unoccupied now, it is no reason why it should always remain so. I hope the day will yet come when our descendants will not have more than they really require. If I have been correctly informed, even a few years ago there were in England large tracts of unoccupied lands. No other nation on that account attempted to seize them. Why then should they attempt to claim our unoccupied lands?'" Thence arose opposition to land-sales. The Pakehas would not assist in creating a native council and native magistrates to settle Maori disputes. He visited Auckland, but was not allowed to see the Governor on the subject. "I determined to take at my own risk what my Pakeha friends denied me?" (Mr. Fenton afterwards did mischief: he widened the breach by setting up assessors without reference to the wishes of the tribes. But the king-maker did not approve of the Waikato war-party.) "I did all in my power to dissuade Wetini from going to Taranaki. Our contention was great. He cursed me, went to Taranaki, and has fallen." The magistrate could obtain no hint from the king-maker as to future movements. "All his conversation related to the past." With this narrative the Governor sent to England the king-maker's letter (declining to attend a Committee as a witness) which has already been quoted.

At Taranaki it was reported that Mr. King, who had so recently in the Assembly at Auckland justified the position of the Government and the demands of the settlers, fell a

victim in February. The rebels, it was said, had murdered him. The volunteers who sallied forth were too late to save him, but they saw his murderers at a distance. General Pratt pushed the war into the forest in February, only to find that the enemy retired to another line of defence. From rifle-pits and fern, when least expected, the advancing troops were fired at. After one of these skirmishes, in which two English were killed and ten wounded, General Pratt found the Maori position formidable, and that mortars were indispensable. On the 6th March the Governor transmitted to England a statement by McLean, that "The great mass of the native population of the Northern Island may be considered to be in a state of disaffection." They were unabashed by reverses, and confident that they could restrain the growth of the English settlements. They even hoped for assistance from the French. Their skill in selecting their points of attack and defence in their ferns and forests counterbalanced, in their opinion, the English larger resources and better equipment. The threats, curses, and opprobrious epithets used by Europeans, confirmed (McLean said) the worst suspicions of the natives. The evil genius of the time had ceased to hold office as Native Minister.<sup>1</sup> Mr. Richmond had given place (November, 1860) to Mr. Weld, who concurred with McLean's remarks—the ominous conclusion of which (5th February, 1861) was "that the English settlements in New Zealand are at present in a more dangerous and precarious state than they have been at any period since the foundation of the colony." To such a pass had Colonel Browne, under advice, reduced the colony in the short space of one year. When this statement reached the Duke of Newcastle (13th May, 1861), he briefly acknowledged it; and immediately appointed Sir George Grey to relieve Governor Browne. Meantime, the loyalty still left among the Maoris was encouraged. Old Waka Nene wrote to the Queen that his love continued firm, and Colonel Browne transmitted the letter with a hope than an answer and a present might be sent to the "excellent chief." On the 26th June, Her Majesty "most graciously" acknowledged the letter, and sent a silver cup to be presented to Waka Nene "as a mark of her

<sup>1</sup> He still held office as Treasurer, and as Commissioner of Customs.

friendship," and in recognition of his valuable services. But ~~after the~~ futile conference between the chiefs and the Governor on the 2nd February, warfare continued at Taranaki. Ever planning ambushes in the abundant fern, and ever forced to retire, the Maoris refused to afford the General the comfort of a general action in which rifles, howitzers, and shells were to be opposed to muskets and fowling-pieces. The Maori forces were entrenched at Te Arei close to the historic Pukerangiora, where the Waikato had, nearly thirty years previously, warred against the Ngatiawa, whom in 1860 they befriended. From block-house to block-house the General advanced from Kairau to Huirangi, and thence towards Te Arei. With help of friendly natives he constructed 1200 yards of sap and three redoubts in a fortnight. At night on more than one occasion, in spite of sentinels, the Maoris removed the sap-roller, until an explosion blew one of them to atoms. The General was astounded at hearing that the money he paid to friendly natives for cutting materials for his gabions and sap-rollers was shared by them with the enemy, who assisted in the work partly to obtain money, but partly because in this way, and by carrying off the sap-rollers at night, the wily Rewi and his friends scrutinized the English devices. As the sap was pushed through the forest it was found that, to countervail inferiority of weapons, the Maoris skilfully availed themselves of every vantage-ground. Their rifle-pits curved in front of Te Arei, from the Waitara river to a thick forest on the right of the advancing troops. "They had also dug trenches around their pah, and the whole ridge of hills in front of the advancing force had tiers of pits, one over the other, from which the enemy fired as from so many little batteries. It was most annoying to the British to be able to see nothing of the rebels but their smoke and fire, and yet to be so near them as to hear their taunts."<sup>1</sup> The troops constructed another redoubt, and the sap was, on the 10th March, pushed close to Te Arei, when Te Waharoa, the king-maker, stepped into the arena. While Sir William Martin was pleading with Governor Browne for justice, he and Bishop Selwyn laboured to induce Te Waharoa to divert his countrymen from

<sup>1</sup> 'History of Taranaki.' B. Wells. 1878: New Zealand.

war. The sap was close to the pah (in which Hapurona was the ostensible commander), when, on the 11th March, Te Waharoa wrote thence to the General :

“Salutation to you, O chief of this war ! Hear what I have to say. Let there be a truce for three days, Monday, Tuesday, and Wednesday, that I may consider the state of affairs here concerning those with whom you have been fighting, namely, the men from Waikato and those under Te Rangitake. . . . If you consent, issue orders to your soldiers that they may leave off the sap during these three days. If you object to my proposal, write to me that I may know. . . . After the three days you and your opponents can recommence fighting. This is all. Friend, you may put faith in what I say. What I say will be put in force by my tribe.—From WI TAMIHANA TE WAHAROA.”

The General granted truce for the two days remaining when he received the letter, desiring the Maoris to cease fortifying. On Thursday morning active operations would be resumed. From Pukerangiora the king-maker retorted (12th March): “I see you do not put faith in what I say. Listen to me ; I will not deceive you ; a promise like this of mine is not of the earth, but comes from above. It is not right that I should break faith with you. . . . I am rather inclined to think that you deceived me : your soldiers have come down to-day into your rifle-pits and fired at us. On that account I am led to suppose that you are deceiving me, and that you have no control over your people. . . .” The General explained that the firing was by mistake, because the white flag, where hoisted on the palisading, was unseen from the foremost (No. 8) Redoubt. He complained also that the Maoris (always in want of ammunition) had been “collecting our bullets ; what have you to say about that ?” On the 13th, the Native Commissioner (Mr. G. D. Hay) met the king-maker, who proposed that the Waikato should go home, that Te Rangitake should go to undisputed land, the English withdraw to Waitaki, and the Waitara block be undisturbed till some final decision could be arrived at by law. There was no appreciable difference between these terms and those rejected by the Governor at Auckland. Mr. Hay said they were inadmissible. “Then,” said the king-maker, “let the troops remain, while you and I go to Auckland ; I by land, you by sea.

Meet me at Tuakau." He was told that he had better go in the ship himself. "Shall I go and be treated like Rauparaha?" he replied. The General vainly offered a "guarantee for his personal safety." Mr. Hay went to the General at No. 7 Redoubt. On his return the chief said: "You are harsh and difficult to deal with. Hear my third offer. Let us remain here in peace. Entreat the Governor to come down here." Other chiefs supported him, and Rangitake was said to acquiesce in the first of the proposals. The General would only consent that the Maoris should retire, and that the English should occupy Pukerangiora, while the king-maker went in a war-steamer to Auckland with Mr. Hay. Again two shots were fired at the Maoris, and again they were told they were fired by mistake. The king-maker said he was tired of writing to Mr. Hay. "I will write to the Governor and to my Bishop, that they may be aware of my arrival here, and how much I tried to treat with the General." Another day's truce was granted. Mr. Hay urged the General's terms. The king-maker said that neither the General nor Mr. Hay seemed inclined to treat on the terms he proposed, and wrote letters to the Governor, to Sir William Martin, and to the Bishop, requesting the General to forward them, and desiring that there might be peace until the Governor should reply. The General promised to forward the letters, and said that meantime active operations would be recommenced. The Governor was inclined to go to Taranaki, but on consulting his Executive Council it was decided otherwise. Mr. Richmond was still Treasurer, and the Ministry feared that Colonel Browne's nature was too full of the milk of human kindness for their purposes. They sent McLean. They still averred that if Te Rangitake would prove his individual claim to any portion of the Waitara block it would be returned to him. But as they resisted Bishop Selwyn's importunity that the case should be submitted to a law-court, their averment was idle. They feared that no judicial tribunal would refuse to recognize those tribal rights which they were conspiring to destroy. ✓

An important change in the ownership of the Waitara block had meantime been effected by the king-maker's visit. In general tribal meetings, as amongst ancient Germans, resolutions of great moment could be passed in emergencies. In conference between



the Ngatiawa and Waikato, Te Waharoa had spoken of the cause of quarrel being Rangitake's. The chief of Waitara said, "No, it is yours." "Look at a man," said the king-maker; "his head is head; his hands, hands; and his legs, legs. You are the head; Waikato is only the legs." "No; you are the head." "No; you." "Very well," retorted Te Rangitake, "I am the head; Waitara is mine; the quarrel is mine. There! I give Waitara to you." On further question he said he disclaimed further voice in disposal of the land. The Ngatiawa fighting general Hapurona, Epiha and Rewi as leaders of the Waikato and Ngatimaniapoto allies, publicly assented, and the king-maker, accepting the gift, declared his award. "Waikato! back to Waikato. Ngatiawa! away to Mataitawa. Ngatiruanui! return to your homes. Let the soldiers return to Taranaki. As for the Waitara, leave it for the law to protect." Thus empowered by the Maoris, the king-maker had proposed his terms to Mr. Hay, and had made earnest request that there might be no more fighting. The General meanwhile knew nothing of the tribal resolution. On the Friday the Maori white flag still flew under the king-maker's order. The English recommenced to dig in the sap, and were unmolested. The Maori pah was fired at, and the king-maker then said to the fighting chiefs: "Now do as you list." The war-flag was hoisted, and for three days firing was kept up; the king-maker himself abstaining from fighting. The Maoris alleged that only one of them was wounded during this period; but the English believed that their mortars did much execution in the rifle-pits. The English lost a lieutenant of artillery. He was in the act of laying a cohorn mortar at the head of the sap when, from a precipice, a Maori marksman fired, and a bullet glancing from McNaughten's hand, entered his heart. On Monday McLean arrived, and wrote that he had been sent by the Governor, and would see Te Waharoa as soon as a flag of truce was hoisted. The firing was continued nevertheless, two Englishmen being killed, and four wounded. On Tuesday Maori flags of truce were hoisted, and the king-maker appointed Te Waionaha as the place of meeting, whither McLean went, accompanied by English and Maori friends. A hundred of the enemy welcomed him cordially. The proposals made to General Pratt were renewed. McLean



(ignorant as the General of the tribal meeting) spoke at great length. He offered safe-conduct to Te Waharoa if he would, with others, return to Auckland to draw up a full statement of all differences. The king-maker said the proposal was fair, but that his followers could not forget that Pomare and Rauparaha had been foully seized. They would not object to meet near Auckland, however. Epiha, the Waikato chief, asked for information as to reference to the Secretary of State, and McLean expatiated on the European mode of arbitration. The conference arrived at no determination. Mr. McLean wished for further interviews. The king-maker "neither objected nor assented. He would sit still for a month or two to afford the Governor an opportunity of making peace. If it was not used, he would be prepared for further action." What the king-maker's thoughts were can only be guessed. He asked McLean to be friendly to the Ngatiawa, and at his request the Maori chief who had accompanied McLean from Auckland visited the Maori encampment, where discussion continued in the night. At half-past six on Wednesday morning, with all the Waikato warriors, the king-maker left Waitara, firing shots, as was the custom, over the graves of their dead; and McLean regretted that he had "no further interview with this intelligent chief." On Thursday the 21st he met 300 Ngatiawa, and conversed with Te Rangitake and Hapurona. It was decided that hostilities should cease; that McLean should ask the Governor to visit Taranaki; that the Maoris should keep the white flag flying on their fortifications, and have access to their cultivations, peach-groves, and graves. Te Rangitake expressed a hope that the Governor would not be hard upon the Taranaki and Ngatiruanui tribes. McLean—heartily aided by General Pratt—thought peace could now be honourably made.

The Governor having arrived upon the scene went to the General's camp, accompanied by the Attorney-General, by Mr. Weld the Native Minister, by Waka Nene, Tamati Ngapora, and others. For three days discussions were held. On the 30th March several chiefs visited Te Rangitake's pah, three miles from the English advanced posts. Throughout these days Te Rangitake's men had brought presents of vegetables and fruit to the English soldiers. On the 2nd April the chief sent word

that he was content with the terms suggested. If the Governor would first visit him, he would then visit the General's headquarters. This was thought humiliating, and the Governor declined to pay the first visit. He went to the camp of the 65th Regiment, within a mile of Rangitake's temporary encampment, and was visited by Hapurona and others. On the 3rd the Governor proposed written terms. By the first he virtually abandoned the whole contention under which he had waged war with Sir W. Martin in words, and the Maoris with arms.

✓ He admitted that further examination of the title at Waitara was needed. 1. The investigation of the title to and the survey of the land at Waitara to be continued and completed without interruption. 2. Every man to be permitted to state his claims without interference, and my decision, or the decision of such persons as I shall appoint, to be conclusive. 3. All the land in possession of Her Majesty's forces belonging to those who have borne arms against Her Majesty, to be disposed of by me as I think fit. 4. All arms belonging to the Government to be returned. 5. All plunder taken from settlers to be restored. 6. The Ngatiawa who have borne arms against the Government must submit to the Queen, and not resort to force for the redress of grievances, real or imaginary. The Governor announced that he would divide the land, which he meant to dispose amongst its former owners, reserving sites of block-houses and redoubts, and right of making roads. He had not used force, he said, to acquire land, but vindicate the law. Mr. Weld, in a pamphlet published in 1869, urged that Te Rangitake was thus put in a position to receive back "any portion of the Waitara block to which he could prove a claim;" but it will be observed that from first to last the New Zealand Government refused to recognize any rights of chieftainship in Rangitake, and that the claim Mr. Weld was willing to recognize was the individual usufructuary right. Of the well-known paramount tribal right the Government took no heed. Hapurona visited the English camp, but Te Rangitake distrustfully sent word that he had had "ominous dreams," and stayed away. Hapurona required time to consider the terms. After a few days, during which Rangitake wrote to the Governor but did not visit him, Hapurona acceded to the terms; and Browne, on the 7th April, gave

Rangitake a short time to consider, adding, "If not settled in these days I have nothing more to say to you." Rangitake retired from the scene with Rewi, the Ngatimaniapoto chief, and wrote to the Governor on the 8th April, telling him not to be grieved at his going to Waikato. He was going to hear the words of the tribes who had suffered for him. "Yes, I have consented to the peace. I sent my daughter to see you, but she did not see you.<sup>1</sup> That settles the arrangement of the cessation of firing between the soldiers and the Maoris. Let the arrangement of what has to be said regarding Waitara be done there. No more. At Mangere we shall see each other."

To such an impotent conclusion had Mr. Richmond's war been brought. The Governor told the Secretary of State that "although no investigation has taken place it is certain that little or none of the land occupied by the troops which I propose to dispose of belongs to Te Rangitake." When he returned to Auckland he heard that the claims of the Waitara chief had been surrendered to the king-maker. He also found the authority of Sir W. Martin quoted to the effect that the quarrel "had been a land quarrel." To disprove such an assertion, he ordered that Mr. Bell (if he would accept the office) with three chiefs, one selected by Ngatiawa chiefs, should divide the land held by the troops, and that grants should be issued to each separate Maori owner "before any purchase is made on behalf of Her Majesty." By this means, he said, he hoped "to break up the influence of the land-league which was the real strength of the insurrection." He was apparently unable to perceive that his secret hope confessed the truth of Sir William Martin's assertion. The spirit of a soldier was at work in his mind, aiding the temptations of his advisers. He conspired for future violence while he breathed peace in public. He reported the terms of submission at Waitara to the Secretary of State on the 7th April. On the 13th he demanded 5000 soldiers "besides

<sup>1</sup> Mr. Weld said in the House afterwards: "Rangitake sent his daughter to make peace. As, however, no acceptance of the terms of submission proposed by the Governor was proffered, and as the reception of Rangitake's daughter would, according to native custom, have concluded peace, leaving terms to be considered afterwards, it was impossible to receive her. Ungallant therefore as it may appear, she was necessarily allowed to return in dudgeon."

all garrisons " in order " to make a successful attack upon the Waikato tribes and their allies in their own country. . . ." On the 1st May he wrote, with strange forgetfulness of his previous despatch: "Should we be unhappily forced to resume active operations the consequences will fall heavily and deservedly on the tribes who have rebelled against Her Majesty with the avowed object of declaring themselves independent of a rule which has never been exerted except for their good." (On the 12th April) he had required entire submission of the Taranaki and Ngatiruanui, restoration of plunder, or compensation, free passage, and protection for all persons. The murderers would be prosecuted when captured. Mr. McLean reported on the 1st May that the Taranaki natives, by a deputy, had agreed to the terms, but the Ngatiruanui had kept aloof and must be further chastised.

Sir William Martin now made an attempt to prevent the ills he foreboded if the Government should act violently against the king movement, which in its inception they had favoured when they sent Mr. Fenton to Waikato, and corresponded with Tamati Ngapora. On the 3rd May he sent a minute to the Assistant Native Secretary. A display of, or resort to, force would rouse determined resistance. He argued that the so-called king movement was one which the "Government should rather welcome as a god-send than attempt to crush as an enemy." Through it institutions adapted to Maori needs might be established. The king-maker had lately exemplified what the movement meant. He stuck in the ground two sticks. "One," he said, "is the Maori king; the other the Governor." He placed a third stick resting on them horizontally. "This," he said, "is the law of God and the Queen." Then he traced on the ground a circle enclosing the two sticks. "That circle is the Queen, the fence to protect all."

Sir William Martin agreed with the Select Committee that to meet the movement with force was unwise, and that the Government ought to strive to guide it. The Assistant Native Secretary was not wise enough to support Sir William Martin, and the Governor and his Ministers were now too deep in blood to go back. One hundred and seventy chiefs of Napier sent a petition to the Queen to deny that the Maoris were fighting against her

authority. "Mother, do not listen to the false reports which perhaps are sent to you. They are false. Know then, that the quarrel relates to the land only. We think it desirable that you should appoint a Judge for this quarrel, that it may be put an end to." Mr. Weld<sup>1</sup> disparaged the petition, and the Governor forwarded it without comment. The Duke of Newcastle merely directed that the chiefs should be informed that the memorial had been laid before the Queen. On the 4th March the Governor issued a notice, renewing his assurance that he did not wish to deprive Maoris of their lands, and that he would maintain the treaty of Waitangi. On the 1st May, 1861, he told the Secretary of State that he was anxious to disabuse the natives of the erroneous idea suggested by Sir W. Martin and others "that the present is a land quarrel." It was only in September, 1859, that he had argued that if such a man as Sir W. Martin were on a council of advice in Maori affairs things would go well. Yet Colonel Browne seems to have had qualms of conscience. On the 6th May he asked the advice of the Judges of the Supreme Court as to the establishment of a Court to dispose of questions relating to land over which Maori title was unextinguished. Could the Supreme Court undertake the duty? If not, how could an efficient Court be constituted? The Judges did not keep him in suspense. On the 9th May they replied that the Supreme Court was not well adapted *generally* for such a purpose, though sufficient to deal with incidental cases. A Court might be constituted by formation of a land jury, selected by lot or otherwise from members of various tribes in previously defined districts, nominated by such tribes as competent to act in such capacity, to be presided over by a European (not being an agent for the Crown for the purchase of land) conversant with the Maori language, and assisted if necessary by a native assessor with merely ministerial duties. Every word of the recommendation was a censure on the course adopted by the Governor at Waitara. In every aspect Mr. Parris' commission and proceedings were flagrantly opposite to the views of the

<sup>1</sup> Amongst the signatures was that of Karaitiana Takamoana, who afterwards was elected to represent the Maori eastern electoral district in the New Zealand Parliament. Other names also showed that Mr. Weld erred in undervaluing the petition.

three Judges. It will be seen that the Ministry carefully prevented inquiry, by such a court as that suggested, at the Waitara.

The Maoris watched the Governor's proceedings with attention. On the 10th January the War Department informed the Colonial Office that General Cameron had been appointed as general officer at New Zealand, in room of General Pratt, who left New Zealand in April to assume command in Australia. Field operations would have soon been entered upon if Governor Browne had remained in office. In a military despatch (3rd May, 1861) he wrote that he had conversed with Tamati Ngapora, and found him altogether peaceable. Nevertheless he must extract terms from the Waikato tribes. He would allow them reasonable time to deliberate, and "if the answers are not satisfactory I shall send them specific terms, and if they are not accepted shall leave the General to adopt such measures as he may think proper." As a pupil of Whitaker and Richmond, the Governor had made much progress since the days when he wrote that the Europeans coveted to seize, rightly or wrongly, the heritage of the Maoris, and when he contradicted the assertion of Richmond that the Maoris needed no protection against the designs of colonial ministries and parliaments. He sent a lengthy despatch (7th May, 1861), which was not presented to the Assembly with others of the period, and which bears internal evidence that it was prompted if not written under control. It was grounded upon correspondence between Bishop Selwyn and Mr. Stafford. When, with regard to the Native Offenders Bill, the Bishop and clergy protested in August, 1860, against subjecting Maoris to penalties or disabilities, "without being brought to answer by due process of law," Mr. Stafford replied that the Government recognized "to the fullest extent all lawful rights of the chief and tribe which have been recognized by former Governments or have ever been understood to exist." The Bishop at once entreated that the Ngatiawa tribal rights at the Waitara might be made the "subject of a judicial inquiry." Stafford equivocated. Rebellion must be punished. Te Rangitake and those "confederated with him *to resist the extension of European settlement in Taranaki*, cannot be permitted to dispossess the Government by force of arms of land to which the native settlers have apparently shown

a complete title." Stafford perhaps thought such a reply capable of deceiving a Secretary of State, but was not so foolish as to believe that Teira had shown a complete title to the homesteads and cultivated grounds of his tribesmen. In 1861 the Bishop resumed the discussion. Peace having been attained a judicial inquiry might be held. Mr. Stafford (3rd May) replied that the Government hoped to establish a Native Land Title Tribunal, but that with respect to the Waitara the Governor had "already made arrangements . . . and there was every reason to believe that they will be successful if only they are not interfered with." He denied the right of the clergy or Bishop to "interfere between Her Majesty's Government and her native subjects." The Bishop replied (5th May) that he and his brethren claimed the privilege, allowed by law to every man, of "laying petitions before the Crown and the Legislature." When others express opinions and support a "policy which we believe to be unjust, we should be guilty of betraying the native race, who resigned their independence upon our advice, if we did not claim for them all the rights and privileges of British subjects, as guaranteed to them by the treaty of Waitangi." The Bishop regretted that as the Government deemed it "unwise and dangerous to delay the settlement" of the Waitara question until a Title Tribunal could be created, the Government had not foreseen such difficulties before war was declared at Taranaki "upon an unproved assumption." Mr. Stafford retorted (20th May) with some warmth. He did not believe that war was thus made. "I advised the Governor on the matter in question, and . . . I will continue to give that advice which it is my duty to afford." He repeated the vain assertion that the Governor and his advisers intended to uphold and obey the treaty of Waitangi. When the Governor sent the correspondence to England he was so fatuous as to urge that the Bishop seemed to "ignore the guarantees in the treaty of Waitangi, which have been frequently repeated publicly and privately, and more particularly in my speech to the natives assembled at the last conference." His advisers had degraded him to their own level. They wilfully violated the treaty in act, while they paid lip-homage to it with their mouths. Which of them prompted the subtle equivocations of the Governor's despatch of 7th May cannot be told. They seem like echoes of



Whitaker, but may have been the result of consultation by many. The Governor was made to say that it would be "unjust as well as extremely unwise either to defer the final settlement of any proprietary claims which may exist upon the block sold by Teira and his friends, or to submit them after what has occurred to any investigation except that of the officers of the Crown, and it would be acting still more unjustly to Teira and all the natives who have remained loyal to the Queen during the insurrection, if I allowed the questions again raised by the Bishop as to their right to sell their own land,<sup>1</sup> and as to the authority and jurisdiction of the Crown, to be now made the subject of an *ex post facto* inquiry." Te Rangitake or any other Maori might put forward proprietary claims to special portions of the block; but any right to veto; any Maori tribal right (though guaranteed by treaty) it was "impossible" to entertain. Though the Governor thus lent himself to Mr. Richmond's eagerness to "accelerate the extinction of the native title,"<sup>2</sup> he declared that there was no reason to apprehend injustice. He was carefully considering with a view to constitute a Commission "to divide the land occupied by the troops among the former owners, in accordance with the terms of peace." These lands adjoined the Waitara block, and "no question of ownership raised in one case" would fail to "come out in the other." He was satisfied there would be no "serious difficulty in ascertaining the rightful owners." He was consulting the Judges as to forming an impartial tribunal for native titles generally; "but I cannot permit the special question, out of which an insurrection has unhappily occurred, to be raised once more *at the Waitara*. The Bishop desires that these very questions shall still be submitted to a judicial inquiry: which really means that Te Rangitake, who has not accepted the terms of peace, shall be permitted to set them aside and place once more before the Ngatiawa tribes, under European advice, the temptation to

<sup>1</sup> Till one sees such words recorded it is difficult to believe either that the Governor could have remained in such utter ignorance of tribal rights, or that the Ministry who were not ignorant of them could dare to instigate the writing of such a despatch. They must have felt that a fair inquiry would prove the injustice done, and they desired to conceal it, if not from the Governor, from the public.

<sup>2</sup> Speech of Mr. Richmond, 18th May, 1858.



renew vague and unsubstantial claims which have already caused the sacrifice of so many lives. . . . I can hardly conceive an act of greater cruelty and weakness than that of throwing away all that has been gained by substituting for the peaceful determination of those proprietary rights a 'judicial inquiry' into pretensions which were disposed of by Governor Fitzroy in 1844, have been resisted since by every Government, and have at length been abandoned by the insurgents themselves." On this audacious statement it will suffice to remark that the natives were satisfied with Fitzroy's award, that the Taranaki settlers had always conspired against it with more or less success, that neither Te Rangitake nor his friends had abandoned their claims under it, and that it was not until Colonel Browne conspired with the Taranaki settlers and his advisers to defeat Fitzroy's award that insurrection occurred, when troops were sent to dispossess Te Rangitake. But the Ministry had persuaded Colonel Browne that no question touching Te Rangitake's desolated home, if there were one, could fail to arise elsewhere, and the Secretary of State was so informed by the Queen's representative. The "guarantees in the treaty of Waitangi," which the Governor told the Secretary of State (25th May, 1861) he had "frequently repeated publicly and privately," were, as regarded Waitara, deliberately violated. A Board, appointed by himself, had unanimously informed him that there was no such thing as individual right to land, independent of the tribal right. All tribal rights were guaranteed by the treaty. All that was asked by Te Rangitake's friends was that the tribal and other claims at the Waitara should be remitted to "a judicial inquiry." Yet, driven by his wily and perverse advisers, Governor Browne declared that he could not permit the special questions at the Waitara to be so remitted. There were no individual rights,<sup>1</sup> and the Governor would recognize none but individual rights, and he would submit no question about the Waitara block to investigation by any one but an "officer of the Crown." His advisers were wise in not producing such a despatch when it was written. They did,

<sup>1</sup> Donald McLean's evidence before the Board (in 1856) was: "I do not think that any native has a clear individual title to land in the Northern Island."

however, produce the pre-arranged restrictions, which precluded Judge Johnston from making the inquiry at the Waitara a reality.

Judge Johnson was asked to become a Commissioner to determine differences among native claimants, on the understanding that "any question as to the title of the Ngatiawa tribe collectively would not be within his jurisdiction." Judge Johnston's acceptance of the task of determining Maori titles, "excluding all claims founded upon any general tribal right," affords a clue to his opinion as to the significance of thus debarring an inquirer from considering the essence of the subject of inquiry. "If the necessity of the appointment involved the necessity for my expressing, even by implication, or indeed of coming to a definite opinion as to the policy of your Excellency respecting the war, or the propriety of the terms of peace, or of the propriety of excluding claims founded upon a right or a supposed right of the Ngatiawa tribe over the lands in question, I should certainly deem it my duty respectfully to decline the office of Commissioner." <sup>1</sup>

Having thus effectually guarded against any compliance with the treaty of Waitangi, the Ministry hoped to derive some credit from the name of the Commissioner, who was empowered for the sake of appearance to associate with himself Maori "chiefs, not exceeding three," as assessors. Unless the assessors could control themselves under torture, their countenances must have fed fat the malevolence of their torturers when the following clause in their commission was translated to them: "Provided always that no claim, or pretended claim, of a general tribal right, over the whole or any part of the said land on behalf of the whole Ngatiawa tribe, shall be received, entertained, or investigated under this Commission." The reader, remembering that Judge Johnston was empowered to deal with the land occupied by the troops outside of the block called "Teira's," and that Colonel Browne, under advice, told the Secretary of State (7th May, 1861, despatch 71, Native): "The lands in question join the block sold by Teira and his friends; there has been no question of ownership raised in the one case that will not clearly come out in the other"—will perceive the

<sup>1</sup> N. Z. P. P. 1861; E. No. 1, B.

degradation to which the Queen's representative was reduced by Stafford, Whitaker, and Richmond. Te Rangitake's rights as chieftain, and his own and the general tribal rights, were maintained by himself from 1839 until 1860. Bishop Selwyn, Sir W. Martin, Hadfield, and others, distinctly raised the question of those rights, and entreated that they might be judicially examined. The Ministry barred Judge Johnston from entertaining them in his inquiries outside of Teira's block, and insolently used the pen of the Governor to say that no question of ownership had been raised within that block which would not "clearly come out" beyond it. It is the satisfaction of history to prove, when fraud has been for a season successful, that the web it has woven has left traces of the falsehood of the weavers. The reader, who remembers Mr. Richmond's 'Memorandum,' which was sent to Sir W. Denison, will not doubt that Judge Johnston's functions were circumscribed because the Ministry knew their position to be untenable. In 1860 Mr. Richmond said: "The issue has been carefully chosen—the particular question being as favourable a one of its class as could have been selected." In 1861 it was found necessary, in order to screen "the particular question" from the eye of the law, to exclude from an inquiry as to Maori ownership that tribal title on which all Maori ownership depended.

The time was approaching when the Governor, so unworthily imposed upon, was to show that though deluded he was not intentionally dishonest. The path into which he was beguiled he would frankly follow. He had been told that Te Rangitake had no tribal rights and only wished to destroy the Queen's supremacy, and that even if the chief had any rights the Governor's duty was to despise them and make war for the "mana" of the Queen, and he had done so. He determined to prosecute it. On the day (25th May, 1861) on which he complained to the Secretary of State that Bishop Selwyn appeared "to ignore the guarantees in the treaty of Waitangi, frequently repeated publicly and privately" by the Governor, Colonel Browne committed his views to paper. He would first establish the Queen's supremacy. Afterwards he would find out the Maori views at a native conference, and be guided by them as far as possible. Civilization was unattainable until their "communal title" could be destroyed. He would give salaries to

native chiefs, who should be organs of communication with the Government; divide native territory into districts, with a European officer in each; establish schools; pass an Act enabling the Crown to issue grants in commutation of native tenure; and "make bush roads through the heart of the native districts." He would establish a tribunal, to decide land disputes, suggested by the Judges. In addition to the terms offered at Taranaki, conditions were held out to the Waikato; after discussion, and modifications made by the Governor in Council on remonstrance by Mr. McLean. A manifesto to the Waikato tribes was issued. It charged the Maoris with violating the treaty of Waitangi by setting up a king. It required unconditional submission to the Queen, restitution of all plunder, and compensation for all losses. Mr. Smith, the Assistant Native Secretary, explained it for three hours to Tamati Ngapora, in order that the chieftain, the uncle of the king, might expound it to a Runanga about to be held at Ngaruawahia. Though Ngapora undertook to submit the manifesto to the chiefs it was plain that he had no hope of a favourable reception for it. Even as it stood it had been modified in deference to McLean's objections. This was on the 25th May. On the 29th the Governor received a letter from a Wairarapa chief (Wellington province), stating that some of the chiefs, loyal at Kohimarama, were departing from their word and joining the king movement.

On the 1st June the Government heard that Te Rangitake was making an armed progress in Waikato, at the head of more than 400 men, on his way to Ngaruawahia, where great preparations were made for his reception. The chiefs, it was said, had resolved "rather to die as chiefs than live as slaves to the Europeans." On the 4th June the Governor opened the first session of the third Parliament of New Zealand. He narrated briefly the steps he had taken, and alluded to recent discoveries of gold in the colony. Both Houses echoed his speech. Ominous reports were made in July that the natives were collecting gunpowder. Browne wrote: "I am informed that Maori women purchase powder in Auckland or its neighbourhood, and carry it away on their backs concealed in blankets." McLean believed that American whaling vessels largely supplied it on the coast. Though the Ministry tided over the address, notice

was given of a motion for inquiry into the state of the colony. Stafford and his colleagues met it by proposing resolutions binding the House to the Governor's manifesto to the Waikato. With an amendment, carried by a friendly member who considered the war an Imperial one, the House adopted the resolutions (19th June). Mr. Weld, in the debate, alluding to the king-maker, said: "I would not speak without an amount of respect for the man. In his own mind he may be right, and looking from his point of view there is nothing to be said against the position he takes, but if we are to be carried away by any maudlin sentiment about which the world now raves, we really entail the ruin of that race itself, no less than the partial ruin of this colony for many years." But all colonists were not blind followers of the Ministry, and many who desired war did not wish to enter upon it without more men from England. A deputation of representatives of the province of Wellington in the Assembly (Mr. Fox, Dr. Featherston, Mr. Fitzherbert, and three others) waited upon the Governor to warn him that distrust was spreading, that the Maoris were becoming convinced that he was determined to attack them separately in detail, and that many who had held aloof from the Taranaki dispute as a personal matter between Te Rangitake and the Governor would now, if war were undertaken (as they heard was probable) against the Waikatos, feel compelled to make common cause with their countrymen; and that the forces in New Zealand were inadequate to protect the colonists against a general insurrection. Governor Browne might be unwise, but he was bold. He thought it likely that the invasion of the Waikato country would cause a general rising, but he would carry out his resolution, and "insist upon the terms he had proposed to the Waikatos."

Settlers must suffer, but must, as at Taranaki, build and defend block-houses. War was not made with rose-water. Auckland from its position was most exposed, but Colonel Browne did not believe that for some time there "had been imminent danger even there." Having pleaded in vain for Wellington, Wanganui, and Wairarapa, the members foreboded from the Governor's demeanour the destruction of the fruits of 20 years of colonization. They presented a report of their

interview on the 20th June. It does not appear that the Ministry objected to the strange procedure. The paper appears as "laid on the table by Mr. Fox, and ordered to be printed." The recognized leader of the Opposition gave notice of a motion of want of confidence, and the Governor understood that if there should be a change of Ministry, the new men would not hold themselves bound by the manifesto to the Waikato tribes. He thereupon communicated with the House (25th June) independently of his advisers. He reminded it of its resolutions of the 19th June; "1. That the establishment within these islands of a sovereign authority, independent of the British Crown, is incompatible with the security of the colonists, the civilization of the natives, and the welfare of both races. 2. That if, unhappily, negotiations should fail, this House, relying on the best practicable provision being made for the protection of life and property, is of opinion that it is the duty of the colony to second the measures taken by the Imperial Government for the assertion of Her Majesty's sovereignty, and securing a lasting peace." Colonel Browne wanted a more clear definition of the colonial assistance thus offered. His advisers enabled him to tell the Secretary of State that they agreed with the course he took. Some members objected that the Governor could not constitutionally address the House except under advice; but an address was unanimously adopted, pledging the House to "assent to organization and maintenance of militia to defend the several settlements, and to approve of the acceptance by the Colonial Government of advances from the commissariat chest for defraying the requisite expenditure on the conditions prescribed by the Secretary of State (January, 1861), viz.—"that all such advances will be repaid from colonial funds, so far as the Imperial Government shall require repayment." These conditions had been imposed in consequence of the loose manner in which Colonel Browne had left the question of repayments "for future adjustment between the mother country and the colony," when he was inveigled into the Taranaki war. The Assistant Commissary-General had pointed out that advances for militia purposes, such as the Governor required, were at variance with War Office regulations; and after lengthy correspondence the Governor obtained the money, but postponed

the question of repayment—Mr. Richmond “respectfully submitting that the colony was entitled to the ultimate refund of its advances, and that his Excellency should, on behalf of the colony, claim such refund.” Now, when a larger war was being prepared, in dire need of money, but undismayed by danger, and thirsting for control of Maori lands and people, the pledge (qualified in their address “to the extent of the limited resources of the colony”) required by the Secretary of State was given by the representatives, who, in their turn, reminded the Governor that it would be more costly to provide a militia than to obtain more soldiers. The Governor could not refrain from calling the attention of the Secretary of State to the able and manly speech of Mr. C. W. Richmond, the Treasurer, which placed “the whole subject in its true light.” At the very time when this matter was considered in the House, General Cameron was representing that the militia force was inadequately available. Its members could only be called out for service within limited districts. He knew of no other country with such narrow limitations as a circle of 15 miles radius. He had wished to inspect the force. Obtaining no satisfaction, after repeated requests, and finding that the policy of the Ministry was to make a quarrel and leave the soldiery to fight it out, he urged, on the 1st July, that he must fully inform the authorities in England. “It was his duty to direct their attention to the fact that at this critical juncture, when every settlement in this island is threatened with attack, the militia has not been called out at any of them except at Taranaki, where, according to Major Herbert’s report, not more than 100 militiamen can be considered fit for duty.” He had commenced preparations for attacking the Waikato when instructed to do so. Such an expedition should not be undertaken with much less than 3000 men, and he wished to know, whether, in case of hostilities, garrison duties could be performed by militia, as barely 2500 troops were available for field service. Mr. Stafford furnished in reply a vague memorandum of a kind with which he had for many weeks set aside the Governor’s importunity.<sup>1</sup> It was lengthy, and evaded a reply to the General’s requests.

<sup>1</sup> Governor Browne. “From the 22nd March, I have constantly urged the subject verbally” (July, 1861). P. P. 1862; vol. xxxvii. p. 66.



The Governor, in the midst of these troubles, wrote a strange despatch in July, 1861. Maoris believed that the Queen was not unfriendly to them, and hoped that Browne's proceedings might be disapproved of. Their loyalty to the throne had survived, despite their wrongs at Waitara. The pernicious suggestion that there was any variance between his and the Queen's intentions did (in Colonel Browne's opinion) infinite mischief. Even Sir William Martin had said that "a temporary estrangement from the Colonial Government would be followed by a strong and abiding attachment to the Government of England." To crush these hopes Browne requested that a Royal Proclamation of the Queen's will might be sent by the earliest opportunity, in order to undeceive the Maoris. With strange blindness, while averring to the Maoris that the Taranaki quarrel did not relate to land, he suggested that it should be announced, in Her Majesty's name, that confiscation of land should be held *in terrorem* against all who might take up arms against the Queen. However just his intentions might be, his acts ministered to covetousness at Taranaki, and the Maori mind was well aware of their tendency. The situation was deemed so critical that both Houses sat in secret Committee, and resolved (5th July) that more troops were necessary—that there was no doubt that a large majority of the natives in the North Island were adherents of the native king, and that authentic information established the fact that in the event of offensive operations against the Waikatos, they would act on the defensive, while attacks would be made in force elsewhere by their allies. Troops must be obtained. Effectually to put down the rebellion would be the course most humane, most beneficial to the Maoris, and the cheapest for the Imperial Government.<sup>1</sup> On the following day the Governor procured the concurrence of his Executive Council with these views,—General Cameron, who was a member, limiting his assent to the propounded military necessity. The Governor also wrote a long despatch (6th July), requiring force enough to "subdue the Maoris—once and for all."<sup>2</sup> With it he transmitted the

<sup>1</sup> These secret resolutions were printed by order of the House of Commons. P. P. 1862 ; vol. xxxvii. p. 76.

<sup>2</sup> In acknowledging (to the new Governor, Sir G. Grey) a despatch from



reply of the king-maker, Te Waharoa, to the Governor's manifesto to Waikato.

The Maori Runanga replied briefly. The chiefs deprecated (7th June) strife. Let the Governor "be slow to wrath, swift to hear. . . . This is our intention. We are not going to rise up to fight. . . . Let our warfare be of the lips alone. If such be the course it will be a long path; our days will be many while engaged in such warfare. Let it not be converted into a battle fought with hands. That is a bad road—a short one:—our days will not be many while engaged with the edge of the sword. . . . Let us not be committed to the short path; let us take the circuitous one; though circuitous its windings are upon firm land. There were proverbs—Not by the straight path, or meagre fare for the traveller. Let us take the winding course, or abundance, the portion of the stayer at home. It is for you to interpret these proverbs. There are more to come." The king-maker wrote separately. Commencing with dark hints and rhythmic strains, he said: "My song refers to those who are double-hearted, whose lips are given to this side and their heart to the other side." Why was there invidious distinction between the races? "I thought that the currents of every river flowed into the mouth of 'Te Parata' (the unfathomable profound of ocean), where no distinction is made, nor is it said 'You are salt water, and that is fresh water—remain you away—from a preference for the salt water only.' In like manner, as the currents from the various islands flow into the mouth of Te Parata, so also all the kingdoms of the different nations rest upon God, as the waters rest upon the mouth of Te Parata. When this work is arrived at we are rebuked. Now, when I worship God I am not rebuked. This great name of God which is spoken of to me, why is this free to me, while of the name of king I am told, 'It is sacred, mention it not'? Let the Pakeha look to Deuteronomy, chap. xvii. verse 15. Was not the Queen English, Nicholas Russian,

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Colonel Browne, enclosing an opinion from Sir W. Martin at this period—the Duke of Newcastle deprecated "allowing a sanguinary war to spring up," and hoped "with Sir W. Martin, that just and effective government by giving the natives what they are blindly feeling after, would eventually throw the king movement into the shade" (22nd September, 1861).

Buonaparte French, Pomare Tahitian, each from his own people?" With unhappy logic he asked: "How was it that the Americans were permitted to separate themselves? Why are they not brought under the protecting shadow of the Queen?—for that people are of the same race as the English. Whereas I, of this island, am of a different race, not nearly connected. 'My only bond with you is in Christ'" (Ephes. ii. 13). If all countries were united the standing aloof by the Maori might be blameable; but they were not. "Friends, do not be offended. Let me make known my thoughts on the great matter which has furnished a cause of dispute." The treaty of Waitangi did not justify the anger of the Pakeha. One chief could deal with his own, but not with the things of another chief. The great boon of Christianity was accepted gladly by Maoris. "I say, O friends, that the things of God are for us all. God did not make night and day for you only. No; summer and winter are for all; the rain and the wind, food and life, are for us all. Were these things indeed made for you only? I had supposed they were for all. If some were dogs and others were men it might be right to be angry with the dogs, and wrong to be angry with the men. My friends, do you grudge us a king, as if it were a name greater than that of God? If it were so that God forbade us, then we would give it up; but He forbids not, and while only our fellow-men are angry we will not relinquish it." He denounced the haste with which Colonel Browne plunged into war at Taranaki. He gave no warning. He had not said to the Maoris, "Friends, I intend to fight at Taranaki. . . ." The wrong-doer, who became unjustly angry, was the Pakeha. Te Rangitake, who was wronged, had done no evil. Why was not the case submitted to judgment? Why was the evidence of one man taken, when the Governor might have called the neighbours together to learn the truth? "Friends, wherein is our friend the Governor right, whom you believe in? Te Rangitake, the man of calm thought, is misjudged by you; and the Governor who hasted to anger is supported and praised. Hence are my thoughts perplexed, for James said, 'Be slow to wrath, swift to hear.' As it is, the precept in Proverbs, chap. xvi. verse 32, has not been carried out." Had Te Waharoa been angry there would have been some excuse, but the wise Pakeha

should not become passionate like a child. Te Rangitake having been invited by Te Whero Whero to return to Waitara, it was just that the Waikato should sympathize with the assaulted chief when he called to Waikato for help. Allies—connected by blood-relationships, appealed to, and averse by Potatau's desire from land-selling—the Waikatos were bound to aid Te Rangitake. As to the charge of murdering; look at the death of Katatore. "He was waylaid and died by Ihaia. That was a foul murder. You looked on and made friends with Ihaia. That which we regard as a murder you set at nought; and you call that a murder which we deny to be one." The Governor had not warned his own unarmed people to remove out of the way when he declared war. He should have done so. "Had he even said to the Ngatiruanui,—Friends, do not kill the settlers, it would to some extent have been a little clearer. Enough on the subject of the murders." Restitution of property was demanded by the Governor. But Rangitake's "pah was burnt with fire; the place of worship was burnt; and a box containing Testaments,—all was consumed; goods, clothes,—all were consumed. The cattle were eaten by the soldiers; and the horses, 100 in number, were sold by auction by the soldiers. It was this that disquieted the heart of Te Rangitake—his church being burnt with fire. Had the Governor given word not to burn his church, and to leave his goods and animals alone, he would have thought also to spare the property of the Pakeha. This was the cause. . . . The Governor first commenced the road, and Te Rangitake merely followed upon it." . . . From your loving friend Wi Tamihana Te Waharoa."

With the decision of the runanga the king-maker sent a letter to the Governor, explaining that he had set up Potatau, in 1857, to put an end to land feuds, "to put down troubles, to hold the land of the slave, and to judge the offences of the chiefs. I do not desire to cast the Queen from this island, but from my own land. I am the person to overlook it. Enough." He called to mind that he was converted to Christianity at the Rotorua war in 1836, and had ever afterwards laboured with the missionaries for peace, and to stay the river of blood which war made to flow in the land. But the Governor was unconvinced. He told the Secretary of State that he must have more troops

to subdue the Maoris at once, or the Northern part of the colony must be abandoned to "Maori law, of which the aptest symbol is the tomahawk."

The Governor's language perhaps caused the immediate downfall of the Stafford Ministry. On the same day (3rd July) that the House agreed to the repayment of Imperial advances for militia purposes, Mr. Fox moved a direct vote of want of confidence in the Ministry. After more than one adjournment the motion was carried by 24 votes against 23. It was remarked that Otago and Wellington furnished much strength to the majority. It was not, however, by reason of their policy on native affairs alone that the Ministry had fallen. On provincial questions there had always been discontent. The new Ministry contained many well-known names. Mr. Fox was Attorney-General and Colonial Secretary; Dr. Featherston, Mr. Reader Wood, and Mr. Mantell became the Governor's advisers. The part taken by Mr. Fox and Dr. Featherston in discussing the Taranaki war, obtained for the new Ministers the name of the peace-at-any-price Ministry." They took office on the 12th July. Their predecessors were resolved that the treatment of Maori interests should undergo no change. It was moved that the Governor's "memorandum on native affairs be translated into Maori, and sent to the principal chiefs in the island." The Fox Ministry would have contended in vain against the motion, and it was universally accepted. Thus the men who had opposed injustice at Taranaki were chained to the car of the new war which the Governor had determined upon at Waikato; and the opportunity for a change of colonial policy was lost. Governor Browne, with pardonable exultation, told the Secretary of State that his views in reference to war . . . "and to the future management of the native race," had "been accepted and approved by all parties in the House." Mr. Richmond meanwhile was not content with the negative triumph deducible from the Governor's proceedings. He aimed at actual control. On the 1st August, before the Fox Ministry were fairly settled in their places, he moved a direct vote of want of confidence. On a division he obtained 25 votes against 26. Mr. Fox strengthened his Ministry on the 2nd August by the accession of Mr. Sewell and Mr. Crosbie Ward. Although

Sewell had been Richmond's colleague in the Stafford Ministry. Richmond was still unsatisfied. On the 8th August he furnished what the Governor called (in a despatch dated the 9th August) a "valuable memorandum" on the king movement. The purport of it was to deny that any terms could be found for peaceful dealings with the Maori king's followers. But resolute as he was to support a warlike course he was equally determined to deny that he was responsible for the Waitara quarrel. Dr. Featherston had moved in June for certain correspondence between Bishop Selwyn and Mr. Parris. In debate he alluded to the sinister influence exercised by Mr. Richmond over the Executive in relation to the Waitara. A petition from Mr. Abraham, a barrister, confirmed his suspicions. Mr. Abraham had claims at Waitara recognized by the New Zealand Company, but the company resigned their charter in the year of his arrival in the colony. He looked to the Crown for satisfaction of his claims. Mr. Richmond, as Provincial Attorney at Taranaki, advised, in 1854, that such claims as those of Mr. Abraham should be deemed "unavailable and extinguished" unless exchanged for Government scrip; but the regulations framed upon this advice were disallowed by the Government on memorial from various claimants. The Land Orders and Scrip Act of 1856 commuted claims at Taranaki by obliging claimants to accept (in lieu of 50 acre lots) one acre of town land, or 12 of suburban, or 50 acres of rural land. An amending Act (in 1858) made further changes, and was proclaimed in 1859, having been reserved for the Royal assent. While the Bill which thus became law was in progress, Mr. Carrington, as agent for claimants at the Waitara block under the New Zealand Company's original (alleged) purchase from the natives, threatened to memorialize the Colonial and Imperial Governments against the provisions of the Bill, and at an interview with Mr. Richmond was induced to withdraw his opposition by promise of increased compensation; viz. 37½ acres of suburban, or 75 acres of rural land, instead of the quantities proposed by the Bill of 1856. Mr. Richmond obtained Mr. Carrington's written consent to these terms. Mr. Abraham averred that Mr. Richmond undertook that the Government would make efforts to acquire the Waitara land, but Mr. Carrington's recollection (in 1861) was

that Mr. Richmond had said at the interview in 1858: "You cannot expect the province to go to the expense of obtaining the Waitara land, and then hand it over to you and your friends." Richmond was then Native Minister, and the attempt to obtain the block by purchase from Teira commenced in 1859. Coupling these facts with his recollection of the petition of the Taranaki Provincial Council in 1858, and Mr. Parris's letter alluding to Mr. Turton's "peremptory plan for acquiring the Waitara district," Dr. Featherston declared that his suspicions were justified. Mr. Weld moved for a Committee to report on the charge thus made in debate. At first he placed on the Committee four of his own friends, and three of Dr. Featherston's, but subsequently the Speaker and the Chairman of Committees were added on his own motion, and a tenth member was added on the motion of a supporter of the Fox Ministry. In the inquiry Mr. Richmond denied that he had brought undue pressure to bear on the Governor, or had advised specially the purchase of the Waitara block. Dr. Featherston cited as his justification, Major Nugent's despatch in 1855 (with Te Rangitake's complaint against Mr. Turton); Governor Browne's statement in 1855, that the feud had been aggravated by the injudicious zeal of Mr. Turton, who had "revived the old suspicion that the Europeans would not rest till they had slain and taken possession;" with various other facts already told. Mr. Richmond cross-examined witnesses, and Mr. Parris vainly strove to explain away his written allusion to Mr. Turton's "peremptory plan." Mr. Turton wrote a long letter to exculpate himself, and denied that the Waitara block was "coveted" by the settlers, because "no man could covet his own property," and they had properly bought it from the New Zealand Company. To prove his consistency he quoted from his diary in 1855 a statement that "the full justice of the case would require that Rangitake's people should be at once removed away beyond the original surveyor's line at Titirangi." Mr. Parris, the inculcator of this would-be remover of hundreds of Maoris, was called upon in 1860 by the Governor to state whether he had told the Bishop, in 1838, that "he was sorely beset to enter into a conspiracy to deprive Rangitake of his much-coveted land at Waitara"—Dr. Featherston having stated at a public meeting at Wellington

that he had seen a letter from Mr. Parris to the Bishop to that effect. Parris had no copy of his letter, and the Bishop declined to produce it without the writer's permission. It appeared that the letter was no private one, but written at the request of about twenty natives who desired to have a minister established among them. The charge against Mr. Turton was only incidental, but couched in plain words,—that he desired “to exterminate the natives from the Waitara in accordance with his peremptory plan for the acquirement of that delightful and much-coveted district.” The letter was produced with Parris's consent, together with correspondence between Richmond and Parris in 1859 and 1860 about the Waitara block. In 1859 Mr. Richmond wrote: “I concur with you in thinking that there is no occasion, under the Native Reserves Act, to obtain the consent of every native who signs a deed whereby a reserve is made. . . . The Governor is very anxious about the completion of the purchase from Teira. I am sure you will press the matter as fast as appears prudent. . . . The Governor feels he is pledged to effect the purchase.” The Committee examined Mr. Richmond, Mr. Parris, Mr. Carrington, Dr. Featherston, Mr. McLean, and Mr. Weld (their chairman).

Mr. Richmond denied having brought undue pressure to bear on the Governor. The Governor wrote a letter to relieve him from the charge. Mr. Richmond cited a ministerial memorandum signed by himself in May, 1860, asserting that the proceedings at Taranaki “were not at any stage urged upon the Governor, or so much as suggested to him by his responsible Ministers.” He denounced the revelation of “secret thoughts and feelings expressed by Mr. Parris in confidence under the seal of privacy to his spiritual teacher,” and averred that “the true meaning of Mr. Parris's passionate and involved expressions had been utterly perverted.” In examination Mr. Parris said he was blamed by the settlers at Taranaki for having warned Te Rangitake of the ambush prepared for him at the pah evacuated by Ihaia, and admitted that his letter to the Bishop was not private, though he did not suppose the Bishop had a right to show it to any one. The Chairman of Committees asked for leave to acquaint the Bishop with the charge made by Mr. Richmond of improperly disclosing the contents of Parris's



letter, but did not obtain it. Parris in reply to Dr. Featherston said that in discussions with Te Rangitake the latter generally used the expression: "I will not consent to divide the land, because my father's dying words and instructions were to hold it." Parris quoted these words in a letter to Mr. Richmond on the 16th February, 1860. This date is significant, when it is remembered that Parris was replying to Mr. Richmond's official letter of 25th January, ordering him to survey the disputed block, and if resistance should be offered, to call in the aid of the military; that on the 17th March fire was opened upon Te Rangitake's pah, and that Richmond, in a memorandum addressed to Colonel Browne on the 20th March, used these ominous words: "The occasion has been carefully chosen—the particular question being as favourable a one of its class as could have been selected."

It may seem strange that this pregnant sentence escaped Dr. Featherston's notice if already published in New Zealand. In March, 1861, it was printed by order of the House of Commons; having been sent by Colonel Browne to Sir W. Denison when applying for troops with which to crush Te Rangitake, and having been transmitted to England by Sir W. Denison. If it had been presented to Mr. Weld's Committee it would probably have failed to influence them. Exposure of Mr. Richmond did not seem calculated to do good in times so excited. Mr. Weld proposed: "That there is no ground whatever for any imputation that undue pressure has been brought to bear in the Executive by Mr. C. W. Richmond on the Waitara question, and that this Committee considers his vindication complete." An amendment to insert the words "without imputing blame to Dr. Featherston" after the word "Committee" was carried by 6 votes to 4, and was protested against by the minority as beyond the scope of the Committee. The report of the Committee was adopted by the House, but cannot be respected as historically true. Men's minds are so strangely warped by the turmoil of action, that not only his friends but even Mr. Richmond himself may have conscientiously believed in his defence.

While the Governor prepared for war, the Maoris were not idle. The king-maker visited the Eastern tribes to learn their powers and encourage their devotion. The English sent the



Rev. Mr. Wilson to persuade him to meet the Governor, and it seemed he was about to do so, when Porokoru (whom General Pratt thought he had killed at Mahoetahi) declared, with others, that, if the project were carried out, the king-maker would be killed by the Maoris on his return. It was useless for him to protest that his counsels could not be changed. He yielded to the will of the tribe. English troops were pushed forward to the border of the debateable land, and the spark which would kindle the elements of war might hourly be expected. Yet one more hope remained for peace. The Governor had written in February, 1861, that he had found the Ngapuhi "less well affected than when he last visited them." His despatch was received on the 20th May, and on the 25th the Duke of Newcastle relieved Colonel Browne from his office. With studied courtesy and acknowledgment of past services he hoped that the Governor would not feel it as a slight if the English Government at so critical a time of spreading disaffection, availed itself of the "remarkable authority attaching to the name and character" of Sir George Grey, and re-appointed him in New Zealand. Future employment was opened to Colonel Browne; and he obtained it at Tasmania. Men breathed freely in New Zealand. All had dreaded the war into which Colonel Browne was anxious to plunge at Waikato with the force at his disposal. Those who did not wish to spare the Maoris wanted more troops and ammunition before recommencing the strife. The Secret Committee of both Houses had asked for them, and the Governor seconded the request. They, indeed, would have waited for them. The soldier Governor did not shrink from provoking battle with the force at hand. His and General Cameron's various applications for men were afterwards compendiously answered by the Duke of Newcastle in a despatch to Sir George Grey, declaring that "the Imperial Government had done enough by sending out 6000 men, and that the colony can and ought to do the rest."

## CHAPTER XI.

## GOVERNOR BROWNE'S DEPARTURE.

GOVERNOR BROWNE gracefully accepted the despatch recalling him. He promised his successor loyal assistance, and declared that the appointment of Sir George Grey, "who has so much personal influence with the Maoris, and is so deservedly beloved by them, affords the best hope of a peaceful solution of the present difficulty." He communicated the tidings by letter to Waka Nene. He received complimentary addresses from friendly Maoris and from public bodies. The Taranaki settlers thanked him almost unanimously for his proceedings in that province, though they were still cooped up in their fortified town. Amongst the Maori addresses was one from Tamati Ngapora, the uncle of the Maori king, known in after years as Manuhiri (or the guest). Ngapora declared that his heart was "relieved because the threats against Waikato had not been fulfilled."

Sir George Grey arrived in Auckland on the 26th September, 1861, and his predecessor conferred with him before sailing away on the 2nd October. On the 3rd, Grey assumed office. His chief adviser was Fox, his bitter opponent during his previous term of office in New Zealand. His consultations with his Ministers were long and anxious. His relations with the men who formed it were changed since he had wielded the Governor's powers in a Crown colony. The Constitution Act of 1852 had in a mangled manner been brought into operation, and, contrary to British constitutional usage, the local responsible Ministers could assume office without resorting to their constituents for approval. Sir G. Grey had kept the office of Land Purchase Commissioner distinct from that of Native Secretary. Governor Browne by merging them had bred suspicions in the Maori mind, and the Ministry informed his

successor that they lay at the root of existing troubles. The Government was looked upon as a gigantic land-broker. In May, 1861, McLean had resigned the Native Secretaryship, but the effect of the past combination was not effaced. The loss from the Taranaki war, so lightly entered upon and so fruitless, was thus furnished to Sir G. Grey:—The British extraordinary expenditure had been £500,000; colonial expenditure on military objects, £193,000; cost of removing and aiding women and children, £29,000; losses of settlers, £150,000;—total, £872,000. Colonel Browne had sent troops to the front to enter upon a war at Waikato; and Mr. Carter, a member of the House, had openly stated that on the outbreak of war the probable cost of removing and maintaining for one year women and children exiled from threatened positions of the Auckland, Wellington, and Hawke's Bay provinces, together with the destruction of property there, would be £1,312,000. General Cameron reported the expense of maintaining the 6000 troops in New Zealand to be £437,715 for the year 1861;—the increase on account of war being £337,715. To enter on a Waikato war would raise the military expenditure to nearly a million sterling in the year. The ordinary revenue of the colony was only £282,000 a year. The colonial war-liability already amounted to £350,000, and was increasing at the rate of £80,000 per annum. Sir George Grey in conveying this information urged as a reason for avoiding war, if possible, that not only on Europeans, but on Maoris, miseries would be entailed. He was already endeavouring to devise a policy with his Ministers. On the 2nd November he warned the English Government of the peculiar condition of the Waikato district. Throughout the Taranaki war, while the Waikato warriors were in the field afar, all Europeans, civil, military, or private persons in the district were unmolested. A Mr. Armitage resided in it, leasing land from a chief (contrary to the colonial law), warning pedestrians not to cross it, exacting a fine of one shilling for trespass, and notifying that he would personally levy it from Maori and European alike. Maori chiefs in other places administered for themselves a rough imitation of English law, levying distress in the immediate vicinity of the so-called Maori king. The king-maker had founded a school, and was seen

on the 17th October engaged with his son in ploughing the school land, from the produce of which the children were to be supported. Mr. Gorst, a Fellow of St. John's, Cambridge, who had been previously in the district, had been recently sent by the Colonial Government to inspect certain schools there. Well might it occur to Sir George Grey that it would be better to endeavour to establish law and order by peaceful means than to carry slaughter into such a district.

Mr. Gorst in his book, 'The Maori King,' has given a remarkable picture of what he saw, and draws the sad conclusion that the quarrel with the Maoris might by prudence have been avoided. His narrative well deserves perusal. He knew the king-maker, heard him state his intentions before his peace-making journey to Taranaki, and observed that they were punctually fulfilled in spite of misrepresentations by Europeans. After the arrival of Sir G. Grey, when Mr. Gorst was appointed Commissioner and magistrate at Waikato, he endured the condolences of the king-maker for becoming so mean a thing as an officer of the Government. On one subject Sir George Grey took the responsibility of "delaying the execution" of the Duke of Newcastle's commands; viz. to tell the Otaki natives that their professions of loyalty to the Queen would have "made a more favourable impression (in England) if they had not been accompanied by the disloyal ceremony of hoisting the so-called Maori king's flag, in which the greater part of the natives of Otaki appear to have taken part." Sir G. Grey thought it needful to make "a fair inquiry as to whether the natives of Otaki," who signed the petition to the Queen, "had been in any way concerned in hoisting the Maori king's flag." He thought them loyally disposed. "If I were," he said, "to communicate the answer I am directed to give them I should rouse a feeling of hopeless desperation in the minds of large numbers of natives who are still well-disposed."<sup>1</sup>

On the 2nd November Sir George Grey gave an outline of the policy he hoped to pursue. Not to renew military operations, but to introduce institutions suited to the circumstances of the Maoris, formed the principal features. To secure as many friends as possible, and thus reduce the number of pro-

<sup>1</sup> Despatch; 10th October, 1861.

bable enemies in case of war, was another object. Already he had drawn up a scheme with which, in the main, his responsible advisers concurred. The northern island was to be divided into about 20 districts, and subdivided into hundreds. Native magistrates and police-officers were to be paid. The runanga of each district was to be composed of the Civil Commissioner and twelve persons. The runangas of the hundreds were to select representatives for the district runanga, and the Governor would generally appoint them, giving preference to those acquainted with the English language. The district runangas were to be charged with many functions of legislative character; viz. suppression of nuisances and preventing drunkenness. Hospitals, gaols, and schools were to be under them; and they were to provide for the adjustment of land disputes, tribal or individual. When boundaries were settled native owners might dispose of land, not exceeding one farm in each case, to a European purchaser approved by the Government, on the recommendation of the runanga. The Ministry drew up a careful commentary on each proposal, but in the main concurred. Fines and fees and a house or land-tax were to provide ways and means.

On the 4th of November the Governor, rapid as of old, was ready to start for the Bay of Islands to proffer his new institutions to the Ngapuhi, to whose great chief, Waka Nene, he had already presented a silver cup forwarded by the Queen in compliance with Colonel Browne's application for some mark of favour. The General, the Commodore, and the Prime Minister accompanied him. The reception of the Governor and of his new policy was enthusiastic. Many questions were asked about the salaries to be received by the native functionaries, and it was carried by acclamation that the scheme was excellent. With the Ngapuhi tribe, still swayed by Waka Nene, and ever faithful to the Queen under the Waitangi treaty, it was not difficult to maintain friendly relations. To them Sir George Grey was still their old friend, conversant with their traditions and commanding their affections. It was otherwise at Waikato. Te Whero Whero, his especial friend, had passed away; and the advisers of the king were poisoned against Europeans. The greed of the Taranaki settlers, which had culminated in the Waitara land quarrel, had aroused suspicions which even

Sir George Grey's reputation could not lull. On that reputation also was the stain which made Te Waharoa say when invited to a conference at Auckland: "Shall I go and be treated like Rauparaha?" While from various quarters came loving congratulations upon his return to Maoria, from Waikato no sign of friendship was shown. The chieftains held aloof, and watched. When propositions were made for a deputation from Waikato to the Governor, in compliance with an invitation from Tamati Ngapora, a chief rose and said that he had been warned by a letter from Auckland that Sir George Grey was luring them to a trap:—that at the Cape of Good Hope he had invited Kaffir chiefs to a conference and had made them prisoners. It would be better for Sir George Grey to visit Waikato. The joint efforts of Bishop Selwyn and Tamati Ngapora were thus frustrated. Mr. Fox, who afterwards wrote a book called 'The War in New Zealand,' declares that when Tamati Ngapora returned from his visit to the king's people, he was reticent and formal, and it was "evident that his visit to Waikato had done him no good." His interview with the Governor was protracted and nugatory. The king-maker wrote a letter in November. In a Maori vessel, forbidden by the runanga to carry spirits, had been found three kegs of spirits, put on board by a Frenchman. The runanga seized the spirits, and the king-maker reported and justified the fact. The spirits were retained untouched. Sir George Grey sent Mr. Gorst to explain that such misdeeds would be prevented under his new institutions. The king-maker's tribe assembled at Arikirua to discuss the matter, and thought that laws made by the runanga, confirmed by the king, and approved by the Governor, ought to be obeyed. But they could not give up their king or his flag. A second meeting at Tamahere was less docile, though the king-maker admirably expounded the Governor's plans. Mr. Gorst went to Ngaruwahia, where the king's counsellors discussed but postponed the subject till the 12th December, when a great meeting was to be held at Taupiri, and Sir George Grey's presence was expected. In these events the Governor saw further proof of the need of law.

On the 30th November he wrote that he did not deem it right to carry out his predecessor's determination to compel obedience to the manifesto of the 21st May, 1861. Such terms

could not be enforced. The attempt to enforce them would supply a bond of union against British authority. There was no such paramount authority among the Maoris as to enable a chief to ensure obedience to conditions. The terms offered by Governor Browne at Waitara in April, 1861, had been accepted by certain chiefs; but when a Commissioner had gone thither to carry them out, the chief who had formerly agreed to them could not assist. It rested, he said, with the people. The collective title could not be dealt with except by the tribe. The Commissioner, amid threats of violence, was obliged to leave. Moreover, Governor Browne's Waikato terms were inapplicable to the district, and it was better to withdraw from than to enforce them. Sir George Grey also thought it unwise to call together a conference like that at Kohimarama in 1860, which Governor Browne and his advisers had made it a cardinal point to repeat in 1861. Many chiefs had formerly held aloof. Its decisions would not be binding. It was better for the Governor to propose institutions and to trust to their being adopted in detail by various tribes. He could not prophesy that war could thus be avoided, but no other course was equally promising. The difficulty was to induce confidence in the Government, and as yet it had not been secured. His Ministry had promptly supplied him with a memorandum on the subject of ministerial advice upon native affairs. Governor Browne's plan of receiving advice and reserving his discretion in adopting it had worked badly. To obtain responsible government it had been yielded to, but was not liked, by the Assembly. The Native Department, unsupported by the representatives, was incapable of good.

Sir George Grey, who had in former days been censured for imputed opposition to representative government, met his Ministers in their desire to do away with the double government, which had been so unprosperous in the hands of Colonel Browne. He resolved to consult them on native affairs as on other subjects. He had transmitted their memorandum on the 9th October, and on the 30th November he asked the assent of the Secretary of State to his proposal to treat all affairs alike. If serious differences should arise between himself and his Ministers, he could in all cases resort to other advisers, and appeal to the General Assembly. If local government could be



introduced into native districts, few serious questions were likely to arise between the Maoris and the Legislature. It was also advisable to show confidence in the General Assembly. The responsibility thrown upon it would be a protection against rash dealings, which might involve it in war. Aid would not be expected from England to enforce injustice.

To commend his proposals to the English Government, Sir George Grey sent a memorandum, showing that if his native institutions should succeed, they would entail a special cost of about £50,000 a year, and would abolish an expenditure of £629,000, of which £129,000 fell upon the colony. His Ministers undertook to recommend the plan to the General Assembly, and to stake their own position upon it. They drew up a paper to be circulated among the Maoris. It embodied the Governor's proposals, pointed out the blessings of schools, and of resident physicians, and declared that the heart of the Queen would be glad when she heard that the two races were living like brothers in a prosperous land.

The strange medley of affairs arising from the old hospitality of the Maoris, in spite of the confusion into which they had been plunged by the Waitara war, was exemplified in December, 1861. Mr. Crawford, a Wellington functionary, wished to examine the geological formation of the Wanganui district. He went thither, and with three Europeans ascended the river in a canoe. Six Maoris formed the crew. Their chief was Topia Turoa, who will be heard of hereafter as a daring defier of Sir G. Grey, and an ally in the field, in after days, against Te Kooti. Mr. Crawford passed Pipiriki, but near Tangarakau was told that he could not be allowed to proceed. The land there had been handed to the Maori king, and as the English were at war with him, his permission would be necessary. The result was the return of the party to Wanganui, under the care of the king's friend Turoa.<sup>1</sup> Sir George Grey commended (8th December) to the Secretary of State a mission to Waikato, which Mr. Gorst was about to undertake, and the Duke of Newcastle in reply, saw "no difficulty, if the Maoris desire it, in requiring the assent of one of their chiefs, whether Matutaera or any other person, to the laws passed by the runanga. Such an assent is no more

<sup>1</sup> Crawford's 'Recollections,' &c. 1880.



inconsistent with the sovereignty of Her Majesty than the assent of the Superintendent of a province to laws passed by the Provincial Council." The humours at the Colonial Office were hardly reconcilable. In 1860, the Duke sanctioned an act of rapine in order to crush the pretensions of Maori chiefs. In 1862, he was willing to recognize their power of veto. In December, the Governor made an expedition to the Lower Waikato. The Maoris sent a war-canoe to convey him and his suite to Kohanga. A triumphal arch, decorated with the Queen's name, was passed on the way to the settlement through lines of Maoris. The school children sang 'God save the Queen.' Preliminary interviews with chiefs were held for two or three days. On the 16th, more than 700 natives assembled to hear the Governor at Taupiri; 250 of them were said to be followers of the king. His speech was gravely listened to by all. He made it practical by the appointment of Waatu Kukutai as head magistrate of the Taupiri Hundred with a salary. The meeting broke up at two o'clock, to reassemble at three, by request of the Maoris. There was much converse between the Governor and Tipene and Herewini, spokesmen of the king-party. On the 17th there was another meeting. Five tribes were there. Above the Governor's seat was an "exquisitely tattooed" image, clothed with a mat of finest texture. A "stone axe of great antiquity hung by its hand." The Governor spoke. Each Maori approved. The principal chief said, pointing to the figure: "Governor Grey, that is our ancestor. We, all these five tribes, take our origin from him. He is our 'mana'; he is our ancestor. We give him to you; we give you also his mat, and his battle-axe. We cannot give you more." The Governor answered: "I accept, and will keep your ancestor with me." The new institutions were accepted in the Lower Waikato, and glowing accounts were published at Auckland. On the 18th, two large canoes, manned by forty chosen young men, took the Governor and his suite to Maungatawhiri, whence he returned by land to Auckland.

But Sir George Grey was not misled as to the views of the Upper Waikato, or king-party. Writing on the 7th January, he told the Secretary of State that they "showed an entire distrust and want of confidence in the Government." He

had met, had questioned, and been questioned by prominent champions, and this was his verdict. Mr. Gorst details much of the colloquy. The Maori advocates wanted to extract from Sir G. Grey whether he was opposed to the king; Colonel Browne having declared it a duty to do away with him. Sir George wanted to know how far they wished to force their king upon other tribes. They first answered evasively, that they knew of no tribes which rejected him, but added, they would not attack them if there were any such. Tipene admitted also, that where the king's mana did not extend, land sales would not be prevented. If a man had pledged his land to the king, and altered his mind, "he will not be allowed to sell his land; but we shall not assail and kill him; we shall not do as you Pakehas do." Of the property of which Colonel Browne had demanded restitution, Tipene said: "My name for that is 'spoils,' lawfully taken in war." When the Governor asked about the land of the Europeans on which the Maoris had gone, Tipene replied: "Is there no Maori land at Waitara in possession of the Pakeha?" The Tataraimaka land and the Waitara land he spoke of in one category. The English held Waitara, the Maoris had a right to hold the land from which they had driven the settlers. The *status quo post bellum* seemed to him to satisfy the ends of peace; but he said it was well, when the Governor said the titles at Waitara would be investigated. As to Tataraimaka, the Governor shook his head. He had been ashamed of the deeds of the Ngatiruanui when he heard of them. Killing women and children was unworthy of Maoris. He had not inquired into the matter; but if he were, like Tipene, a friend, he would advise them to restore what they could, and make compensation. Tipene figuratively urged that the same terms of peace should extend to all who were allies in war, and asked if the Governor's questions were ended. "Gov.—Yes. Tipene.—Then I will ask a question. Are you opposed to my king? Gov.—I do not care about him; but I think it is a thing that will lead to trouble. It will be stopped by such means as I have adopted, and will die out. Tipene.—If the king is brought to nought by your plans, well and good. You say, What is the king to you? We say, It is a thing of importance to us, and we say so because we have seen the good of it. Quarrels of Maoris amongst them-

selves have diminished. . . . So I ask you, Are you altogether opposed to my king?—that you may say whether you are so or not. *Gov.*—If you ask me as a friend, I tell you I think it a very bad thing.” Tipene was unable to extract more from Sir G. Grey, though specially sent to do so by his friends at Ngaruawahia. They wished to know whether the Governor intended to use his army to coerce them, as his predecessor had threatened. Tipene concluded by saying: “Proceed cautiously in working out your plans. The only thing that remains dark is the king. Your own plan is to unite us all.”

Each side had misgivings. Those of the Maoris were strengthened by the formation of a road towards Waikato. The Auckland province had in former years commenced to cut a road through the Hunua forest to the Waikato river. It was almost impassable in winter, and the work was not carried to the proposed terminus. Two miles were untouched. Mr. Gorst declared that the Colonial Government stopped the work during the Taranaki war, in order to avoid giving offence to the Waikato tribes. Sir G. Grey announced his intention to resume it, and the soldiers, then idly quartered about Auckland, were employed in the work of cutting and metalling a military road. Mr. Gorst, an eye-witness, avers that this determination increased the respect which the Maoris entertained for the Governor, but convinced them that he, like his predecessor, though with more wisdom, contemplated war.

Mr. Fox had been with the Governor at Taupiri, and proceeded thence, with Mr. Gorst, in a canoe up the Waikato river towards Ngaruawahia. The Governor empowered him to offer to settle the Waitara dispute by means of a mixed commission, of one European and two Maoris chosen by the Governor, and the same number of like persons chosen by Te Rangitake and his friends. Before Mr. Fox reached Ngaruawahia, the chiefs had left it. Mr. Gorst is of opinion that they did so because the tidings of the military road to the Waikato river convinced them that negotiation was useless. As Mr. Fox could not see the king-maker at Ngaruawahia, he rode through the forest to Hangatiki, where the king was supposed to be visiting the chiefs of Ngatimaniapoto, of whom the redoubtable Rewi was leader. He was honourably received on Saturday, and Rewi appointed

Monday for conference. The royal guard-house was close to Mr. Fox's lodging, and its commander (who had visited Europe in an Austrian frigate, the 'Novara') spoke English, French, German, and Italian by turns to the visitors, and spoke Maori to his soldiers. On Sunday he carried prayer-books in a bag, and distributed them to the men. Te Rangitake was a guest of Rewi. Mr. Fox met him, and, according to Mr. Gorst, Te Rangitake coolly denied his identity. Mr. Fox's diary is silent on the point. On Monday the great meeting-house was crowded with listeners. Rewi, Te Rangitake, Reihana, and other Ngati-maniapoto chiefs, were present. None of the king-maker's people, the Ngatihaua, were there. The king did not attend. Mr. Fox explained the new institutions, and proposed the settlement of the Waitara dispute by arbitration. An inferior chief, Aporo, replied. He asked whether Governor Browne had not been wrong, and Te Rangitake right, at Taranaki. Mr. Fox soliloquized in English: "Why, that is exactly what I always said in the Assembly." A Maori understood and translated the remark to the assembly. The orator asked: "How then can a trial take place unless the guilty Colonel Browne be present?" Finally, it was said that the matters were too important to be rashly decided. Waikato would take time to consider. Mr. Fox was not permitted to see the king, but he informed the king-maker by letter of the proposed arbitration. The answer (dated 21st January) followed him to Auckland. It expressed regret that the writer had not seen Mr. Fox, but thought a meeting would have been of little use. Governor Grey's persistence in stationing soldiers at Te Ia excited suspicion, and the king-maker would not, under such circumstances, consent to an investigation at Waitara.

Before returning to Auckland, Mr. Fox went to Rewi's settlement at Kihikihi, where many chiefs had assembled to visit the king. That personage quitted Kihikihi as Mr. Fox entered it. By this time word had been brought that the soldiers were already at work on the military road to Maungatawhiri. Tribes were gathering at Rangiriri, eager to attack the troops. The king had sent a message ordering them to be patient, and, when he arrived at Rangiriri himself moderate counsels prevailed. As the road was on the Queen's land, it was held that

Maoris could not justly interfere with it. If it should be extended to Maori territory, then there would be the requisite "tā-kē," or ground for war, and all Waikato would rise. They made comparisons between the Governor and his predecessor. The latter blundered blindly, and all could see his purpose. Governor Grey made silent preparations, and only struck when he was ready. His promptitude was conspicuous. Two days after leaving Kohanga he wrote to General Cameron about the road to Waikato, and within a week more than 2000 soldiers were at work, with an advanced post at Pokeno, not far from the Waikato river. At Kihikihi, Rewi, meanwhile, was entertaining and arguing with Mr. Fox in what Mr. Gorst called a clever and unsparing manner. At an entertainment, Te Rangitake and Mr. Fox ate from the same basket, and discussed the Waitara dispute—the chief declaring that the troops ought to be removed from the place, so that the question might be left to the law. After dinner Te Heu Heu inveighed against the Pakehas in an oration which offended all who were inclined to accept the new institutions. Some Taupo chiefs on the following day asked for a separate interview, and expressed their contentment with the Governor's propositions. Mr. Fox had often desired a "face to face" interview with the Maori leaders. As regarded the king-maker and the king he had been foiled. With Rewi and Te Rangitake he had made no progress.

Sir George Grey knew the expediency of seeming to be bent on justice. The old disputes about Crown grants to natives furnished an occasion to him. The law officers had contended that after the coming into operation of the New Constitution (1852) there was a legal obstruction to fulfilment of promises to the natives. Sir George Grey had urged, in 1851, that power should be vested in the Governor to grant lands to Maoris. It had not been so vested. He now urged that, if needful, the Constitution Act should be amended. He sent voluminous papers on the subject, amongst which was this characteristic minute by himself: "My advice to Ministers would be to have all these Crown grants issued without delay. I do not doubt that they would be valid, but if any doubts were hereafter raised as to their validity, then I would have an Act passed confirming and making good these grants. I think it of the

utmost importance that they should be issued at once." He urged in two despatches that Parliament should be asked to apply an immediate remedy for so dangerous an evil; and his Ministers who saw his despatches did not dissent, though they preferred local legislation. The Duke of Newcastle replied that he learned with extreme regret "that for no better reason than a supposed legal difficulty, which, if it exist at all, ought in common fairness to have been removed long ago, a large number of natives have failed to obtain the fulfilment of explicit promises by which they had been induced to surrender their lands to the Colonial Government." He would not shrink from asking Parliament for redress, but as it appeared that the Colonial Government were willing, on the Governor's advice, to grant it, he thought it better to rely upon their dealings than to submit to Parliament a measure indicating a suspicion that the colonial authorities were indisposed "to deal honestly with their Maori creditors."

Mr. Gorst, in February, was busy as a magistrate at Otawhao in the Upper Waikato district; and at Taupiri the new institutions were accepted to the extent of electing the village runangas, though the district runanga was not called into existence. At Te Kohekohe another runanga was formed and Wiremu Te Wheoro was made head magistrate. Intelligent, loyal, and respected even by the king's adherents, he was unable to overcome the reluctance of his tribe to oppose the national party. A hot-headed Ngatimaniapoto chief, Patene, marched to Otawhao to expel Mr. Gorst from the mission station. The king's runanga had passed an abstract resolution to forbid Queen's magistrates in the king's territory, but they had not appointed Patene to enforce it. He arrived with thirty armed men. The children of the mission school perched themselves upon a fence to watch. Europeans, including ladies, stood by. Patene read an address signed by more than 2000 partisans of the king, and ordered Mr. Gorst to leave. Mr. Gorst refused. Mr. Morgan, the missionary, was not told to go. Finding Mr. Gorst obstinate, and not knowing how far the king would abet his proceedings, Patene drew off his army. The king's council not only did not abet him, but wrote to Rewi enjoining him to keep better order and prevent violence.

They passed a law, however, forbidding, under heavy penalties, any resort to Mr. Gorst's Court, and it was so loyally obeyed, that, during six months, only one native suitor appeared there, and he was fined for doing so. Patene, indignant because the king's advisers had not abetted him in the expulsion of Mr. Gorst, declared that he would not permit others to maltreat him. The conflict between native and European jurisdictions resulted, as might have been expected, in favour of the former. Hona, a chief of a small "hapu," or section of the Waikato tribe, had been an unpaid assessor under Mr. Fenton. Subsequently he attached himself to the king. His tribe had a dispute with a neighbouring tribe about an eel-weir. His more powerful antagonists secured their blood-relations, the Ngati-maniapoto, as judges, and won their cause. Hona renounced his allegiance, and sought and obtained the protection of the Government. He received a salary. When, to eke out the native revenue, the king's runanga ordered a poll-tax of £1 yearly on all Europeans living in native territory, and it was about to be levied on a trader under Hona's protection, Hona threatened to resist, but when an armed party appeared to levy it under a chief who said he would take either the money or its value in goods from the trader, Hona recommended payment. In later time, when war broke out, Hona went over to the king. But submission to the king was not undeviating. The village runangas made laws for themselves, and their administration depended much on the character of the principal chief and the respect shown to him. The king-maker was a conspicuous example. Mr. Gorst never heard a complaint of injustice from any European residing amongst the Ngatihaua. But the counsel of the wise was not accepted everywhere. When the king's runanga, at the king-maker's suggestion, passed an ordinance displeasing to Rewi, he would not obey it, and the king's council sorrowfully admitted that it could not enforce its decrees. It was suspicion of Europeans that furnished the bond of union, and but for the injustice at Waitara, the king movement would perhaps have died of inanition. For his king, as the Maori champion against the Pakeha, Rewi was ever ready to run risk. The king-maker, who sought to provide a paternal government and shrunk from war, lost influence as



Rewi gained it, when the hot spirits of the tribes thirsted to be led against the common foe. Fines, fees, and donations scantily supplied the king's exchequer. A strange instance of the medley of affairs was shown in carrying the mails. The king would not allow the Queen's subjects to carry it through his territory; but two of his followers bore it, and were paid by the Colonial Government. The king, in church, said Amen to the prayer for the Queen, and when, during the Taranaki war, it was proposed to pray for the king instead of the Queen (the Waikato being in the field), it was resolved not to alter the Prayer-book; in spite of the murmurers who objected to a prayer that she might vanquish her enemies.

On both sides there were provokers of violence. Sir George Grey more than once reported that the Maoris bitterly resented the insults cast upon them. "In the attacks thus made in some newspapers upon the natives, and upon all acts of fairness performed towards them, consists at present the greatest difficulty in this country." The Duke of Newcastle could only suggest counter-statements by the Governor, and "reminding the editors of the dangerous consequences of their language." Power to suspend an offending organ was in such case absolutely necessary to prove to the Maori the justice of the Queen, and to the printer the power of the Government. But the Duke of Newcastle was neither wise enough to forecast the future, nor resolute enough to meet a danger if he could have foreseen it. Part of Sir George Grey's policy was the acquisition of friends amongst the tribes. On the 25th January, 1862, Mr. T. H. Smith, Commissioner for the Rotorua district, reported the acceptance by the Arawa tribes of the new institutions. In after years their warlike devotion attested the value of their adhesion. The resident magistrate at Taupo adopted the new system in March. For a time it seemed that its acceptance was about to destroy confidence in the king movement. Mr. Armstrong, the resident magistrate at Lower Waikato, reported the palpable decay of the king's influence, and the probability of a complete organization of the district.

At Hawke's Bay and at Wellington the Governor in person received loyal assurances from the Maoris. At the former place a real or supposed plot was made known to him. A battle-axe,



sent round to chiefs by the Ngatiraukawa tribe during the Taranaki war, as a symbol, on appeal to which they were to rise and destroy the Europeans, was handed to the Governor as a public proof of renunciation of all hostility. Soon afterwards, at Otaki, symbols of similar import were given up to him. Till then he had not known that Rewi's hostility had taken so matured a form. Its public exposure and abandonment by the recipients of the symbols was deemed a proof that Grey's return had rallied the loyalty of his old acquaintances. He had no sooner reported these things, and the gratifying progress made by the troops under General Cameron in forming the military road to the Waikato river, than he was warned of a new difficulty. The Duke of Newcastle was dissatisfied. He wanted to know why the colony was not heavily taxed to meet its requirements. He was willing to sanction the surrender of native affairs to the General Assembly. All militia and volunteer expenses must, however, be locally borne. The contribution of £5 per man for cost of troops must be continued, and a large Imperial force was not to be maintained in the colony. The Duke would sanction Sir G. Grey's new scheme for governing New Zealand with limitations. The Colonial Government must furnish not less than £26,000 towards it. The Imperial Government would not supply more than the amount due from the colonists as military contribution—calculated at the rate of £5 a head for every soldier employed. The arrangement was to expire in December, 1864, and was to be subject to any general measure which the Home Government might adopt with regard to maintaining Imperial troops in the colonies. Sir George Grey replied that the General Assembly was about to meet in July (1862), when the Duke's objections would be brought before it, and suggested that affairs might be favourably influenced if his proposals should be approved at an early date, it being unlikely that the Maoris would abandon their confederacy while a possibility existed that the proposals might at any moment be countermanded from England. Meantime the language used in the newspapers irritated and was complained of by friendly natives. The Governor told General Cameron that it had great effect in strengthening the suspicions of the king's followers that the

English were bent on their extermination. Sir George Grey himself made peace, in June, between two tribes friendly to the English, which were fighting about a piece of land at the north of Auckland. The foes were entrenched about 200 yards apart. He persuaded them to strike their colours simultaneously. Each leader was to choose two persons, Maori or European. The four chosen were to name a fifth, Maori or European. If they could not agree to do so, the Governor was to name him. The decision of a majority of the five was to be final. Each pah was to be allowed to fall to ruin, so that neither side might boast of destroying the pah of the other. The arbitration was to be held at Auckland. Sir George Grey was within the entrenchments of Tirirau, one of the disputants, when his "flag was hauled down," and his "assembled chiefs and followers went down upon their knees, and, in the form prescribed in the native Church of England Prayer-book, went through a service of thanksgiving for the mercy of God in protecting them from the perils of war, and in restoring the blessings of peace to them,—their whole demeanour evincing the most devout thankfulness."

A dispute about digging for gold was auspiciously put an end to by Sir George Grey in the same month. Numbers of Europeans were crowding to search for gold on lands the property of Maoris at Coromandel, and threatening to seize the land by force. The Maori king was called upon to take charge of it. Collisions were expected. The Governor travelled rapidly from the south of the island, and persuaded the chiefs to receive an annual payment for the right to search within defined boundaries. The war-party of the Maori king was foiled, and retired from Hauraki whither it had marched. The Governor found fault with Tawhiao for alarming the country by his movements, and the king's runanga published his letter with a reply, saying that no harm had been done, and there could therefore be nothing to punish.

Before the General Assembly met, the military road was completed to Pokeno, and cordial thanks were given to the General and the soldiers for their skill and alacrity. It would be an imputation on Grey's intelligence to suppose that he was unconscious that the work had aroused the just suspicions of

the Maoris. To the Assembly which he convened at Wellington in July, 1862, the Governor commended the consideration of the new institutions for Maori government, and the better organization of militia and volunteer forces. He said: "I have hitherto had no occasion, and hope that I shall have none hereafter, to employ the military forces in any active field operations." The first cloud which threatened his relations to the General now darkened the horizon. General Cameron, without warning to the Colonial Government, had reported that the annual training of the militia was neglected. The discontinuance had occurred under Governor Browne, in 1861, and was attributed by Mr. Fox and his colleagues to the impossibility of enforcing the training without driving away the population to the gold-fields of Australia, and those recently discovered in the Middle Island. They hoped to legislate on the subject. Appreciating their difficulties, and shrinking from the risk of a war of races, the Governor wrote that he was endeavouring to persuade the local government to create a permanent armed police force of Europeans and Maoris, who would ultimately take a principal part of the colonial military duty; a plan of which in due time the Secretary of State approved.

Mr. Fox brought before the House a resolution disclaiming exclusive responsibility for controlling Maori affairs, and liability for the principal cost of suppressing insurrections; recognizing the duty of cheerful co-operation, to the extent of the colonial ability, with the Imperial Government; but declaring that "(reserving to the Governor both the initiation and decision of questions where Imperial interests are concerned), the ordinary conduct of native affairs should be placed under the administration of responsible Ministers." The House was evenly divided. Twenty-two supported, and the same number opposed, Mr. Fox. The Speaker's vote kept the question open, and the dissatisfied Ministry resigned. Mr. Stafford and Mr. Fitzgerald severally declined to take office, and on the 5th August Mr. Domett formed a Ministry, with Messrs. T. B. Gillies, Mantell, and Bell, as colleagues in the House of Representatives; Mr. H. J. Tancred and Mr. T. Russell being members of the Executive Council without office.<sup>1</sup> The Domett Ministry was considered

<sup>1</sup> The facility with which these and previous changes were made

favourable to the doctrine that the Imperial Government, and not the colony, should be responsible for native affairs. But at this juncture the Governor received the sanction of the Home Government to the placing of native affairs under the control of the Assembly. The House considered the subject, and on the 19th August agreed to the following resolutions by a majority of nine: "That in the opinion of this House the relations between his Excellency the Governor and his responsible advisers should rest upon the following basis: 1. That Ministers should, in conformity with the Royal Instruction, advise the Governor in native affairs (as well as in colonial affairs) whenever his Excellency desires to obtain such advice, and should also tender advice on all occasions of importance, when they deem it their duty in the interests of the colony to do so. 2. That Ministers should, at his Excellency's request, undertake the administration of native affairs, reserving to his Excellency the decision in all matters of native policy. 3. That as the decision in all matters of native policy is with his Excellency, the advice of Ministers shall not be held to bind the colony to any liability, past or future, in connection with native affairs, beyond the amount authorized, or to be authorized, by the House of Representatives." (Similar resolutions were subsequently moved in the Legislative Council, but, after debate, were withdrawn.)

Sir George Grey reported that he had consented to act in the spirit of these resolutions until further instructions might reach him. He did so, because he was satisfied that, whatever the theoretical relations might be, practically, while he was in New Zealand, the result would be the same. He hoped that when existing difficulties were brought to a close the Assembly would assume responsibility for native affairs, at the desire of the Secretary of State. The House having thus crystallized its intentions, proved its carelessness about the men whose duty it might be to obey them, by acquiescing in the remodelling of the

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without any ratification by constituencies furnishes an expressive commentary upon the indecent manner in which the Secretary of State launched local government into existence in New Zealand, without legal or constitutional sanction, and without the usual safeguard which attends responsibility.

**Ministry.** Mr. Gillies immediately vacated and Mr Sewell occupied the post of Attorney-General. Mr. Mantell similarly gave way to Mr. Crosbie Ward in the Post Office, but remained in the Executive Council. Mr. Bell vacated the Treasury for the returning Mr. Reader Wood : and the chief result was that Mr. Domett succeeded Mr. Fox, and Mr. F. Dillon Bell held office as Secretary for Native Affairs. The Fox Ministry was in office without Mr. Fox. When Mr. Fox retired, the Governor expressly recorded his high sense of the cordial and generous support invariably afforded by his old accuser ; and on the remodelling of the Ministry by Mr. Domett, the Governor told the Secretary of State that the "policy of the Government in all its main features closely resembled that of the previous Government." The House passed a measure for raising a loan to meet past liabilities, and future exigencies in native affairs ; and while it was yet in session, peremptory instructions from the Imperial Treasury commanded the Deputy Commissary-General to make no more payments by loan or otherwise for any colonial need whatever. The working pay of military parties on the road to Waikato was stopped. Taranaki militia pay, and rations, as previously provided by the Imperial Exchequer, were thenceforth to cease. Immediate re-imbursement of past payments was temporarily waived by the Treasury, and the waiver was to constitute "the aid to be afforded from Imperial resources." Sir George Grey deplored the unexpected suddenness of the decision, which was the more unfortunate as the Assembly had just voted a sum to defray all advances from the military chest, previously made for militia and similar charges.

The Legislative Council addressed the Queen. On the plea that the colonists had not exercised real control they urged that the expense of war ought to fall on the Home Government. The government of the Maoris could not justly be handed over to the colonists at such a crisis. After establishment of peace they would be willing to undertake it. The address was lengthy. The representatives sent similar remonstrances. They declared also that the step taken by Sir George Grey of demitting Maori control to the Assembly was taken without their concurrence, and that the condition of the colony forbade them to close with the Duke of Newcastle's offer of acceptance of such a policy.

They, too, thought themselves justified in asserting that the Imperial Government had originated the war. They took upon themselves to criticize the conduct of it "by inefficient and incompetent commanders," whom there was no local authority to remove. They prayed for material aid, and would, as far as their "means would allow," bear burdens. They would relieve the English Government of the anxiety of Maori management, "if the power is given and the help continued to us that will make our efforts hopeful." They "respectfully declined" the Duke of Newcastle's proposal, not as shrinking unworthily from proper burdens, "but because we seem to discover in the despatches an intention to withdraw from engagements to which the British nation is honourably bound, and to transfer to the colony liabilities and burdens which belong properly to the Empire." It was fit that such equivocating words should be addressed to the Minister who had disgraced the English name in 1860, by approving the rape of the Waitara. It would have been too galling for another man to defend so base a position. The culprit himself could not express his meaning without writing a despatch as long as an evening lecture. He approved of Sir George Grey's conduct, and added: "I congratulate myself on the circumstance that the Government of New Zealand is in the hands of an officer whose personal character will secure him a due influence in the affairs of the colony, independently of the terms in which the General Assembly may recognize his authority." He was able to refer to the constant jealousy and encroachment by the Colonial Government upon the Governor's powers relating to the native race, and, as far as he could without condemning his own conduct in 1860, he strove to throw the onus of causing the war upon the local Ministry. "I need hardly inform the framers of these memorials that the slow progress of land sales under the auspices of the Native Department, and therefore under the control of the Imperial Government, was an object of complaint to the settlers, and that these complaints were particularly urgent in New Plymouth, and referred especially to the land in the neighbourhood of the Waitara. The decision to complete, by force if necessary, the purchase of that land was adopted at the advice not of the Native Department, but of the Executive Council, and the proclamation of martial

law was transmitted to the officer in command under the signature of the chief responsible Minister. It was under this pressure, with this advice and through this agency, that Governor Browne took the steps that led to the war—steps which, although I thought it my duty to sanction them, were in a direction opposite to that which a purely Imperial policy would have dictated. It is in this state of facts that the two legislative bodies of New Zealand, without alleging that Colonel Browne's acts were unwise, or that they were dictated by any Imperial policy or instructions, without denying that they arose, on the contrary, from a desire to promote colonial interests in a way which the colonists themselves demanded, and by proceedings which the responsible Ministers formally advised, do not hesitate to repudiate all responsibility in the matter, and to charge the Home Government with the authorship of their sufferings."

In accusing the colonists justly, the Duke was convicting himself. He, knowing that justice and good faith, towards the treaty of Waitangi as well as to Imperial interests, were opposed to the dealings at Waitara, had nevertheless sanctioned them. The brave and true advice of Sir Robert Peel and Lord Stanley of old time was discarded; and now, when evil had resulted, the accomplices in crime vented diplomatic recriminations against each other. The Duke animadverted on the reluctance of the militia to serve beyond their own districts, and the desire of the colonists to throw on the Imperial Exchequer the cost of constructing roads. He declared that England would not, as seemed to be desired, "recognize the obligation of supporting the burden to which Great Britain is now subject until the authority of the law is re-established." He pointed out that it was notorious, and admitted by the representatives, that the allegiance of the natives had never been more than nominal. He urged that a New Zealand legislator (Mr. Fitzgerald) had stated that he knew of "no race at any period of the world's history which had made in so short a period so great a stride,"—and he claimed some credit for the Imperial Trusteeship, which before the year 1856 was real and effective in producing such a result, though it was mainly brought about by ministers of religion. He did not expect the colonists to exact more thorough



allegiance from the Maoris than had hitherto been rendered, but would recognize no indefinite obligation on the Imperial Government to coerce the natives. In conclusion, he told the Governor that the consent of the colonists was not needed to make effectual the resignation by the Home Government of control. It was complete by the act of the Home Government. If the Governor should resume or retain control of the Native Department it would not be in obedience to instructions, but "at request of his responsible Ministers or under some pressing necessity occasioned by their action or inaction, for the consequences of which therefore the Home Government would not be responsible." Of course the Governor would exercise negative power if Imperial rights should be invaded, or the faith of the Crown under the Waitangi treaty were jeopardized, or injustice were attempted. He might have to appeal from his advisers to the Assembly, or from the Assembly to the constituencies, and he would, as to employment of the Queen's forces, be responsible, with the officer in command. The maintenance of those troops in New Zealand entitled the Home Government to a potential voice in requiring justice and liberality to the Maoris. The control of the army would ensure attention to the words of a Governor who had been selected as the fittest adviser and administrator for the colony. The idle compliments with which the despatch concluded were swept into insignificance by the whirlwind which occurred in New Zealand. The Home Government had not been able to comprehend the gravity of the situation. They had sent Sir George Grey as the worthiest man for a particular office, and they gave him a half-hearted support. He was to walk as the Duke of Newcastle desired, although, as shown by his own despatches, the Duke himself was incapable of walking in the road which he knew to be right.

In the scheme proposed by the Governor soon after his arrival, military men were specially asked for as Civil Commissioners. Strong reasons were given, and some others ought to have been patent to a functionary who perceived that many colonists lusted lawlessly for the lands of the Maoris. But the Duke allowed the request to slumber for more than three months in Downing Street, before he replied: "I doubt whether under present military regulations, an officer can be detached from his regi-



ment to serve as Commissioner in a native district; but in case this should prove practicable, Her Majesty's Government can only assent on the understanding that the whole pay of the officer shall be defrayed by the colony." Sir George Grey urged that serious consequences might arise from inability to do what he wished, and that the desired arrangement had been allowed ever since he had been in the service of the Crown. "I assure your Grace," he added, "that a most serious crisis is impending here, and that I require all the aid and support, physical and moral, that can be given me." Thus adjured, the Duke consulted the War Office, and, fifteen months after Grey had made his request, the Commander-in-Chief forwarded to General Cameron a discretionary power to allow the employment of officers. Such tardy compliance, at such a crisis, was of course too late. Had the Lord Derby of 1845 been at Downing Street, no such provocation of evil would have increased the Governor's troubles.

The Duke is entitled to credit for promptitude on one point. The New Zealand Ministry desired to carry roads through lands over which the native title was not extinguished. In November, 1862, the Attorney-General, Sewell, gave a formal opinion that the Crown in spite of the Waitangi Treaty could, in conformity with "the essential conditions of sovereignty," seize upon Maori lands required for roads. He saw technical objections to grasping them under local enactment, because the powers of the General Assembly did not enure until Maori lands had been ceded to the Crown. He could find no express authority for his advice, but referred generally to Books I. II. and III. of Vattel. Mr. F. D. Fenton, assistant law officer, knew something of Maori laws, and Maori temperaments. Without delay (28th November)<sup>1</sup> he interposed. He could "not avoid the conclusion that (Sewell's) opinion was erroneous in law." He explained his reasons, and suggested that the matter, serious as it might prove, should be reconsidered. Mr. Sewell retired on the 1st January, 1863, without giving a further opinion. Mr. Whitaker took office as Attorney-General without ministerial responsibility. His opinion, as might have been expected, agreed with that of Sewell. He who saw no objection to the

<sup>1</sup> P. P. 1863; vol. xxxviii. p. 109.

pillage of the principal chief, and the denial of tribal rights at Waitara, was not the man to shrink from robbing unnamed Maoris, whose lands would be seized in order to make a road from Taranaki to Tataraimaka. "It may be objected," he said (21st February), "that this would be contrary to the treaty of Waitangi. To this I answer that a positive enactment of the legislature would prevail over the terms of the treaty if there were any conflict." But he urged that a right to make roads, as essential to sovereignty, must be implied to have been ceded to the Queen. That a man called a lawyer could honestly think that the terms of a treaty could be cancelled by one of the contracting parties without consultation of the other can hardly be believed. On the contrary and credible assumption, the student may learn the rough and dishonest measures which Mr. Whitaker was ever ready to apply to the Maoris. Sir George Grey, like Mr. Fenton, saw imminent dangers. He told the Duke of Newcastle in December, 1862, when transmitting Sewell's opinion, that the natives would probably "resist by force of arms." In forwarding Whitaker's he drew attention to the subject as "most important" (24th February). The Duke of Newcastle's susceptibility as to the honour of the Crown was not so weak as to be overborne by the robber-logic of Mr. Whitaker, or by the abstruse generalities of Sewell. He had in March<sup>1</sup> dealt with the latter. He would "hesitate to admit as a matter of strict law that Her Majesty had the power, without any legislative sanction, of appropriating for any purpose the acknowledged property of any of her subjects. But even if it were true that the peculiar legal condition of New Zealand authorized the application of this arbitrary principle, I am of opinion that the question cannot be dealt with as one of strict law." Policy as well as justice required that the expectations which the Maoris had been allowed to form, as to the good faith of the Crown and the treaty of Waitangi, should be loyally respected by the Government. Regretting the want of roads to accommodate the Taranaki community, he did not think their advantage should be purchased by the re-imposition of the burdens of a war on which, thus originating, "Her Majesty's troops ought not to be employed. I need hardly add that I

<sup>1</sup> P. P. 1863 ; vol. xxxviii. p. 145.

shall view with more than regret the adoption by your Government of the course which appears to be indicated in the enclosures to your despatch."

The receipt of Mr. Whitaker's opinion only caused the Duke to say (May, 1863) that his despatch in March had explained his views fully. It is a pleasure to extract from musty folios something creditable to the Duke of Newcastle; but the pleasure is alloyed by the reflection that if he had been as firm in 1859 and 1860, he might have prevented war. Perhaps apprehension rather than wisdom had changed him. In June, 1861, he had told Sir George Grey not to waver. "It would be better to prolong the war with all its evils than to end it without producing in the native mind such a conviction of our strength as may render peace not temporary and precarious but well grounded and lasting." In May, 1862, he could "hold out no hopes of the continuance of a large body of troops in New Zealand;" and his words became harder by degrees. In August, 1862, he was stirred by the War Office (on complaint by General Cameron) to express surprise at the shortcomings of the Colonial Government in maintaining militia. He grumbled at the Governor for his reluctance to part with the soldiers sent from New South Wales and Victoria. The apathy of the colonists was inexcusable. "I must plainly tell you that unless all cause of complaint is speedily removed, a large portion of the troops now stationed in New Zealand will be recalled without delay. It is my duty to call for an immediate report." Like the offended servant in the comedy, the Duke when rated by his colleagues vented his spleen on his subordinate. Sir George Grey at once asked for copies of the letters which caused the rebuke and that the Duke would support an officer serving under him by insisting that in future all such documents should be supplied. He had furnished reports, had reduced expenditure, and could only regret that it was thought necessary to censure himself and his Government so severely and so frequently. Events, he hoped, would modify the opinions in England. For himself he was sure that to make roads and encourage peace was wiser than to force one race to take up arms against the other. He still hoped Her Majesty's Government would see reason to approve of what he had done.

The Assembly had conferred upon the Governor power to deal with native reserves, and issue grants. The Civil List grant for native purposes had been raised from £7000 to £26,000. The grant of £5 for each soldier in the colony had been secured by law ; and the yearly grant of £7000 for native schools was retained. A Loan Act for half a million sterling had been passed. A special colonial defence force had been authorized by enactment. The Militia Act of 1858 had been amended, and a penalty of £5 for failure of attendance had been enacted. An amended Native Districts Regulation Act enabled the Governor to cause seizure of spirits removed to certain districts, and thus one complaint made by the king-maker was obviated. The Native Circuit Courts Act of 1858 was amended. A Native Lands Act had been passed, not exactly in the form desired by the Governor, but accepted by him as the soundest which the Assembly would pass. He had desired to introduce, gradually, direct dealings in land between European and Maori, to an extent not exceeding one farm for one European, such transactions being dependent on personal occupation by the European under penalties enforced by the Government. The native runanga was to concur in the sale to make it valid.

Unfortunately the Fox Ministry shrunk from what they called the stringency of these terms upon the European. The Domett Ministry shared the objections of their predecessors, and the Bill was introduced in a form which recognized the right of a Maori to deal with his land after the native ownership had been ascertained by Courts to be established for the purpose. The resolutions of the House (19th August) as to the relations between the Governor and his advisers having left the decision in matters of native policy to the Governor, the Ministry felt that it was unfair to proceed with the Bill without his approval. On the 24th August they said they would withdraw it if he could not approve it, but were willing to introduce modifications at his request. He replied (25 August), that understanding from them that the principle of the measure was that natives should be allowed to have as good a title to their lands as Europeans, and to obtain the value by sale or letting, he agreed to it. Again, in September, he was urged to allow it to be said in the Council that the measure was acceptable to him, in order

to ensure its passing. He answered: "I have always thought and still think that the plan I proposed for the recognition of the title of the natives to their lands, and for the gradual occupation of the country, by European proprietors agreeable to the natives of the district, was best adapted to the circumstances of the country, and most likely to produce permanently beneficial results. At the same time, as there appears no hope of my succeeding in convincing a majority of the Assembly that my views are the soundest and best, I think the recognition of the title of the natives to their lands a matter of such importance, that I will, as I have before stated, accept the Bill in the form in which it passed the House of Representatives for transmission to the Imperial Government; and I think, upon the whole, it can be so worked as to produce beneficial results at this crisis."

Mr. Sewell, the Attorney-General, objected so strongly to the recognition of Maori title, that he remonstrated against the Bill while it was before the Legislative Council of which he was a member. The reply of his colleagues may be seen, by the curious, in blue-books. The Native Minister, Mr. F. D. Bell, drew up a commentary on the Bill and its progress, in which he took credit for the moderation of the Governor's advisers, who could command a majority of three to one in favour of their original measure. Thus the Governor, while rebuked by the Secretary of State for not doing more, was congratulated by his advisers upon being allowed to do so much. It was a great advance towards justice to provide a Court to "ascertain and declare who according to native custom are the proprietors of any native lands, and the estate or interest held by them therein."

By slow degrees the prayers of Sir William Martin, Bishop Selwyn, and Te Waharoa, had prevailed in a measure. But the nature of the Court was peculiar. "It shall be lawful for the Governor from time to time by Commission or Order in Council to constitute a Court or Courts for the purpose of ascertaining, &c." Under such a provision, a wise Governor bent upon doing good might do it. But an unwise one could commit any act of folly or injustice. No enduring Court was created. An upright Judge in one case might never be re-employed. A pliant tool might calculate upon being re-hired. The Courts were to be occasional, and the judiciary the mere creature of the Executive

at pleasure. Under such an Act, Colonel Browne, when once moved to conspire with the land-lusters of Taranaki, might have concocted a Court which would have dealt with Te Rangitake as Parris stirred by C. W. Richmond's private letters had dealt.

The lands south of Taranaki were still void of the settlers driven from them by the Ngatiruanui and Taranaki tribes during the war of 1860, and were ostensibly held by the natives in right of reconquest, which was considered in itself a sufficient reason for giving vitality to the Native Lands Act only by authority of the Governor. Whether the Bill would have been beneficial if no war had broken out in 1863, it is impossible to say. In fact its provisions were not largely used. Nominally trusted by all, the Governor was nevertheless suspected. The nominee Legislative Council feared that he or his advisers sought to impair their independence by creation of new members. An address was sent to the Queen praying that their number might be limited to three-fourths of that of the other House. The Councillors had reason for their fears. Mr. Fox had presented, and Sir G. Grey had transmitted, a memorandum urging that power ought to be given to add to the number of the Council before the next Session. In his opinion the Governor ought to have power to increase the Council from time to time by an additional number of ten members. The Duke of Newcastle's reply was inconsequential (26th March, 1862): "Having fully considered the recommendation and the grounds upon which it is made, I think it best, while withdrawing the limitation of the number of the Council, to refrain from imposing any restriction when none has been imposed by the Legislature. I shall therefore advise Her Majesty simply to repeal by an additional Instruction the limit which is now placed on the extension of the Legislative Council, and that Instruction will be transmitted to you as soon as the necessary forms will admit of its completion." On the pretence of reluctance to impose restrictions the Duke was willing by the removal of a restriction upon the Governor to subject a whole branch of the Legislature to the caprice of the local Executive.

Other difficulties existed at the time. The General reported secretly to England what he ought, if he touched it at all, to have brought before the New Zealand Government. The Maoris,

after the wrong done at Waitara, were slow to trust the local government. The seizure of Rauparaha by Grey in old time was now deservedly a stumbling-block in his way. The Assembly, while resolving that the Governor must be responsible for native affairs, would not legislate in the manner which seemed to him fittest to inspire the natives with confidence about their lands. The Duke of Newcastle, though he had in 1846 contested Nottingham against the active opposition of his own father, would give no blank charter to a Governor who was under his authority.

Emboldened by success in arms, the proud Maori race had learned rashness; while greed and obstinacy prevented many colonists from becoming just, generous, or wise. Confessedly critical, the position presented hideous possibilities. While admiring the noble qualities of the Maoris, Sir George Grey knew the atrocious savagery of their modes of warfare, to which they might recur in sudden raids on the settlers if a national rising should be provoked. Torture, mutilation, and cannibalism were the ancient demons of war; and women and children were their victims. It is just to those who supported Mr. Fitzgerald to record the gallant attempt made by him to procure for the Maori race some representation in the Legislature. He carried a resolution recognizing the right of all Her Majesty's subjects, of whatever race, to a full and equal enjoyment of civil and political privileges. He moved that such recognition "necessitated the personal aid of one or more native chiefs in the administration of the government of the colony,—the presence of members of the Maori nobility in the Legislative Council,—and a fair representation in this House of a race which constitutes one-third of the population of the colony." There were seventeen Ayes and twenty Noes. Supporting Mr. Fitzgerald were Mr. Atkinson, Mr. Dillon Bell, Mr. Brandon, Mr. Carter, Mr. Fitzherbert, Mr. Fox, Mr. Gillies, Mr. G. Graham, Mr. Mantell, Mr. Moorhouse, Mr. Renall, Mr. C. J. Taylor, Mr. Waring Taylor, Mr. Watt, Mr. John Williamson, and Mr. Wood. There were two Richmonds (not Mr. C. W. Richmond), and Mr. Weld, among the victorious twenty, who thus rendered impossible what seemed to them a wild experiment, but was in a few years to be accepted as a plain necessity. It is more



grateful to record the names of Mr. Fitzgerald's supporters than those which were enrolled against him.

Suspicious at Waikato were meanwhile strengthened. It was foreseen that a road to Waikato would enable the English to throw troops into the district and endanger Ngaruawahia. Rewi and the war faction began to predominate. The king-maker vainly urged the runanga to accept the proposal of the Government to investigate fairly the Waitara dispute. Rewi commanded a majority. When the military road to Te Ia on the Waikato was completed, and the Queen's Redoubt at the terminus made capable of holding 1000 men, Sir George Grey caused a branch road to be made to the bank of the Maungatawhiri, and timber was conveyed thither to form a landing-stage. Dreading the construction of a bridge, the Maoris were scarcely appeased by being told that the Governor did not mean to build a bridge till the next year, when he hoped their opposition would be withdrawn. Another proposed road excited them more violently. Wiremu Nera and his people had agreed to make a road from Raglan, on the west coast, near Whaingaroa harbour, to Watawata on the Waipa river, not many miles above its junction with the Waikato at Ngaruawahia. Troops landed at Raglan could by such a road take the Maori capital in rear while it was assailed in front by forces arriving by the military road to Te Ia, and by steamers on the Waikato river. Maori claims to land were put forward, and Maori eloquence was vainly used, to deter Wiremu Nera from his project.

War meetings were held, and when a day was fixed for cutting down trees upon the line an armed band went from Rewi's settlement at Kihikihi to stop the work by force. They received a stern message from the king-maker. Wiremu Nera had been his father's comrade, and whoever assailed him must fight the Ngatihaua and their chief. The road question must be settled by Wiremu Nera's tribe and his own. The interlopers retired. The king-maker appealed to Wiremu Nera to desist from a scheme which would place Waikato at the Governor's mercy. The king's sister, Te Paea, who was said to have more of Te Whero Whero's disposition than had descended to her royal brother, with her own hands pulled up the stakes with which the road had been marked out. Thus adjured, and

confronted by the opposition of nearly all Waikato, Wiremu Nera agreed to begin his road-making at Raglan, on Queen's territory. His men were satisfied with payment by the Government, and the uproar ceased. Mr. Gorst meantime was troubled at Te Awamutu. Bishop Selwyn and the Church Missionary Society had 200 acres of land at Otawhao, close to the spot. They gave it up to the Government. There were 800 other acres which the Maoris had granted for an industrial school and hospital during Sir George Grey's former government. They were less trustful now, and said that the grant had lapsed by ten years' neglect to use it. The war-party failed to induce the king to take violent measures. It was decided not to drive Mr. Gorst away; but as his magisterial functions had been foiled by preventing a resort to them, so now it was resolved to prevent the erection of the school-buildings by forbidding sales of timber. When in spite of the prohibition two trees were sold, Rewi's friends wished to take them back, but the majority declined to commit an act which might be called theft. More timber was obtained, and the school prospered. The Government provided a teacher of reading, writing, and arithmetic. The trades of the carpenter, blacksmith, wheelwright, shoemaker, tailor, and printer were taught. Agriculture and pastoral pursuits were not neglected. Te Oriori, a leading chief, patronized the school. The king-maker, and even Rewi, visited the institution so strangely established in the heart of the king's territory.

The Maori councillors revolved the state of affairs while "the English Committee" was making laws in 1862. On the 2nd September, Waharoa issued a curt summons "from the whole runanga" to the tribes, to assemble at Peria on the 21st October. An account by a Maori declares that "the cause of the runanga was to lay down laws for the good of this island." Mr. Gorst says it was called to discuss the Waitara question. Rewi has publicly stated that he and Te Rangitake consented that there should be "a careful investigation" of the Waitara dispute, but that at Peria the Maoris decided otherwise. The meeting was full of dramatic incident. Bishop Selwyn attended.<sup>1</sup>

<sup>1</sup> In 1861 the Bishop was hooted by the settlers at Taranaki. As the crowd followed him he turned round to speak. They began to turn away. He called out: "It is more English-like to look me in the face and tell me

The preliminary proceedings were closed on the 23rd October with evening prayer. On the following day the king-maker, who presided, announced the subjects to be discussed, and fixed in the ground two sticks, one for the "Ayes," the other for the "Noes." 1st. Maungatāwhiri (*i. e.* the Governor's dreaded road, bridge, and steamer). 2nd. Whaingaroa (*i. e.* the road from Raglan). 3rd. Native land disputes. After animated speeches the chiefs voted by depositing small sticks by the mark for the Noes. The decision was—Waikato is closed. Discussion on the land question was postponed. The Bishop asked when Waitara and Tataraimaka would be touched upon. Te Waharoa said his personal desires had been overruled, and those subjects would not be dealt with. It was resolved that disputes should be inquired into and judged by law. There was a debate about debts and Pakehas. It was determined that existing debts should be paid, and that resident Europeans should not be molested. On the 26th, Te Waharoa preached a sermon on the text: "Behold, how good and joyful a thing it is, brethren, to dwell together in unity." He expatiated on the glorious results of banding the Maoris together under one king, as contrasted with the former ravages of inter-tribal wars. The Maoris, gathered from far, from Tauranga and Napier on the east, and Wanganui and Taranaki on the west, were warmed by his eloquence. To counteract it, Bishop Selwyn preached in the afternoon in Maori, inculcating from the same text a wider unity than that enjoined by Waharoa. On the following day the Bishop asked for audience on three subjects: Let there be one law. Let Waitara be investigated. Let Tataraimaka be re-occupied by its Pakeha proprietors. He was heard. In their own figurative manner he pressed his views upon the chiefs. Solemnly at the close he appealed to the king, to the king-

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your grievances." Colloquy ensued, in which the Bishop's biographer declares that he was good-humoured and triumphant. Amongst the hooting mob were three Provincial Councillors. He went amongst the Ngatiruanui, and was told by a Maori that he ought not to travel through their country. He would be looked upon as a spy. He answered: "I am like wheat. The Pakeha at Taranaki were the upper-stone grinding me there, and now you grind me here." He paused till a deputation invited him to proceed, and he marvelled at the kindness he experienced in the district so recently ravaged by the soldiery and settlers.

maker, and to all the tribes, to consent to the good plans for peace. Opposition speeches were made. Some votes were given against the Bishop's proposals. Hauraki (Thames) Maoris seated themselves in the middle, and were claimed by the Bishop's friends. The Nestor of the Hauraki men replied: "No, we are sitting in the centre:" pointing to the two sticks, he added, "there is death here, and death there." An old man went up to the Bishop, and thrice repeated: "Do you consent that the king shall stand?" "I consent to there being one law, whether by the Queen, the Governor, or Matutaera; whether carried out by a Pakeha or Maori runanga. I consent to there being one law for us all. This is what I consent to." This reply was deemed unsatisfactory. The old man pointed out that the Bishop called their king only Matutaera, and gave as his own verdict: "Let there be one law, but let the authority be divided into two."

In the ensuing discussion the king-maker acknowledged a change of opinion, caused by the deceitfulness of the Ministers, the occupation of Te Ia, and the Governor's letter to Matutaera (on the occasion of the march towards Coromandel) threatening that the king would be punished by-and-by. The Bishop repudiated all intention of deceit. Voters came forward for the Bishop. Kihirini, an old chief of Middle Waikato, sat by the Bishop, and said he would have voted for him but for the occupation of Te Ia. The Ngatikahungunu tribe began to speak, and their chief, a friend of the Bishop, advised him that as he had opened the subject, the Maoris would get on better by themselves. The Bishop (called Pihopa Herewini) left with the conviction—That the king's friends were more friendly than before. That their tenacity for their king was unabated. That the east coast tribes were most vigorous in opposition to the Pakeha. That all acknowledged the necessity of one law. That the difficulty was to reconcile unity of law with duality of "mana." That it would not be impossible to bring about a compromise, on the basis approved by the Secretary of State, that Matutaera and his Council might make laws to be presented to the Governor for confirmation, like the laws of the New Zealand provinces. That there was absolutely no trace of hostility of race, and no unanimity even on the subject of

division of races. But though the Bishop obtained no vote of approval, he had won friends, and persuaded the king-maker to make a final effort for peace. After the Peria meeting the king-maker went to Kihikihi and formally asked Rewi and Te Rangitake to agree to the investigation of the Waitara title as proposed by the Governor. Rangitake refused, and the Ngatimaniapoto supported him. The king-maker asked that Tataraimaka should be restored to its European owners. The Ngatimaniapoto refused even this. In sorrow the king-maker retired. To quarrel with his countrymen could not promote the Maori nationality, which he had at heart, and he saw no alternative but submission. The times were out of joint, and would not be set right by him. Yet he ever rebuked the violent by his example. Mr. Gorst reported in March, 1862, that when the king's military guard, established by Rewi's influence, had to be supplied in turn by the Ngatihaua, the king-maker took down men and ploughs, broke up and planted land with potatoes, and said that was the soldiering his tribe could do.

In November, General Cameron represented to Sir George Grey the smallness of his force. It was diminishing in number by reason of drafts of invalids. He had only 2681 effective men to guard Auckland and the long line of communication with the advanced posts. There were more than 700 soldiers at Taranaki, 352 at Wanganui, 274 at Wellington, 271 at Napier, 91 at Otago. This representation was forwarded to England by Sir George Grey on the 27th November, simultaneously with a despatch in reply to the Secretary of State's censure, founded upon General Cameron's complaints that the militia were not duly trained. The Duke of Newcastle had said: "With such a fact before me, I have a right to assume that there are more soldiers in the colony than are required." Grey deprecated so severe a reprimand, published before he had seen General Cameron's complaint. By such a course a man's "character might be irretrievably ruined, even before he has been accused." In February, 1863, the Duke ineptly replied, that he wished to blame not Grey but his advisers, and considered that he was thereby strengthening Grey in dealing with his Ministers and the Legislature.

In December, a chief traversed the country from Wanganui

to Waikato and Auckland. Everywhere he canvassed the condition of the country with the chiefs, and everywhere he found a disposition to maintain the "mana" of the king. Grey sent the chief's diary to the Secretary of State; and receiving information of a scheme to massacre the English settlers if he should send a steamer to the Waikato river, he resolved to act. Early on the 1st January, 1863, he started for the Waikato. He met Te Wheoro at Drury, arranged that a canoe should be ready at daylight the next morning at Maungatawhiri, and with a crew of 20 Maoris, some of whom were chiefs and the king's friends, was wafted up the Waikato and landed at Paetai before midnight, being received with hearty welcome. At seven o'clock in the morning 200 natives were assembled. Among them were devoted partisans of the king; but all took off their hats, saluted him as their father, and declared that if he had never left the country the king would not have been heard of. They prepared horses to escort him to Taupiri. Having arrived there early in the day, he pushed on to Ngaruawahia unattended. The king was at Hangatiki. Te Waharoa was at Peria. Te Paea, the king's sister, and a few chiefs were at Ngaruawahia. As the Governor walked about, gazing on the tomb of Te Whero Whero, and the flagstaff of the king, he was recognized and surrounded by the Maoris. They did not say—Come, let us kill him. They called him their father and protector, and many wept tears of joy—with the Maori facility which the custom of "tangi" created. He thanked them and returned to Taupiri. Messengers informed the king, Te Waharoa, and others, of the presence of the Governor. The king was an unskilful horseman, and at Rangiaohia sent a certificate, signed by a missionary and a catechist, to the effect that he could travel no further. The king-maker rapidly reached Ngaruawahia. Other chiefs attended: but Rewi and his partisans were conspicuously absent. The chiefs assembled at their capital were told that they could see the Governor, if they wished, at Taupiri. They proceeded thither, and seated on the ground awaited his appearance. The king-maker rushed forward, seized his hand, welcomed him to Waikato, and amid uncovered heads escorted him to the seat prepared for him. "Welcome our old friend! Welcome the Governor! Welcome our father, the friend of Potatau!

Welcome, parent of the people !” Such were the cries with which a race denounced as unmitigated savages greeted a Governor who had put himself in their power. Taati of Rangiaohia and the king-maker made orations. The latter said that the king movement had been in the minds of the Maoris long before form and shape were given to it. Under its good laws, approved by the Governor, might be passed. He spoke of Governor Browne as—“ko te mea hohoro ki te riri”—one who was hasty to be angry. He asked, as Tipene had asked, whether Grey was still opposed to the king. Grey replied that he continually studied how to pull him down. “I shall not fight against him with the sword, but I shall dig round him till he falls of his own accord.” It was an unhappy speech, and was never forgotten. It confirmed the worst suspicions of those already distrustful. The chiefs deprecated the introduction of a steamer on the Waikato river. The Governor said they should put one there for themselves ; but so useful a thing ought not to be wanted ; and, failing other means, he must place one there. He invited them to send a deputation to Auckland to discuss all matters. As the evening closed in he became ill, and the assembly was concluded with loud cheers for the Governor. The king-maker returned to Ngaruawahia, where it was resolved to invite the Governor to visit all the chiefs in the district. He, meanwhile, hurried back to Auckland, postponing his tour till a fitter time—which never arrived. As his canoe passed down by Paetai, Maoris galloped on the river-bank with letters from the king-maker and others, urging him, if health would permit, to visit all the people. He did not visit them, and thus was lost almost the last opportunity of peace.<sup>1</sup> Unless, however,

<sup>1</sup> In January, 1863, Grey, in writing about the want of naval assistance in New Zealand, and the necessity for a steamer at the control of the Governor, said: “My own health has completely broken down from the fatigue and exposure I was subjected to last winter, owing to its having been rendered necessary for me to make overland journeys at an unfavourable season—the use of an efficient steamer not having been accorded to me. So thoroughly is this the case, that I doubt if I shall ever again be able to undergo the fatigues which are necessarily incident to my position here. It is impossible, especially when in ill-health, to repress a sort of feeling of hopelessness at being thus left in a position of great difficulty whilst powerful steamers have been and are found for all the ordinary duties of visiting the ports of Australia and Van Diemen’s Land, where no difficulties exist or have existed.”



he was sincere—and his threat to place a steamer on the Waikato casts doubt upon his professions—his journey must have ended in disappointment. The king-maker and Taati, true to their professions, wrote letters to the Ngatiruanui, urging them to abandon the Tataraimaka block. But Rewi and other chiefs wrote letters of an opposite character, promising (what the king-maker denied) the help of the Waikato if war should ensue from the retention of the Tataraimaka lands.

On the 3rd February, 1863, Mr. Parris wrote from Taranaki : “ I am of opinion that Tataraimaka ought to be taken possession of without a renewal of hostilities if carefully managed, by stationing not less than 100 troops there.” The blunders of 1859 ought to have prevented the Ministry from putting any faith in this statement, which was accompanied by another to the effect that the Ngatiruanui tribe kept their district closed, not only against Europeans but against natives serving the Queen. The Governor himself could hardly be deceived, for on the 9th and 14th February he forwarded to England hostile Maori letters which were sent to him by friendly chiefs, to warn him of danger. One, dated in December, 1862 (sent to Tauranga from Taranaki), urged immediate war if the steamer should be placed on the Waikato river. “ Fire upon her at once. . . . If we see that the Governor takes forcible possession of Waireka and Tataraimaka we will slay him at once.”<sup>1</sup>

In the end of February the Governor went to Taranaki. He had no sooner gone thither than troubles arose about timber carried on rafts from Maungatawhiri for construction of police-barracks at Te Kohe-kohe where Te Wheoro loyally served the Queen. The king's runanga debated a whole night, and instructed Te Wheoro that Waikato would take back the timber to the Queen's land. An armed band arrived to carry the threat into execution. Te Wheoro was staunch, although Tamati Ngapora and others urged him to give way. Argument lasted for two days. Then the orators left the army to work. The Kohe-kohe Maoris watched the timber. After waiting all day for an opportunity, the army proceeded to throw the timber into

<sup>1</sup> About this time H.M.S. ‘Orpheus’ was wrecked at the Manukau, and three Maoris were conspicuous for their daring gallantry in saving the lives of the English.

the river. Twelve Maori women and eight men dragged it back as quickly as it was thrown in. The sharp edges drew blood from the excited strugglers, but no blows were struck. The weary army abandoned its unwarlike work. Only six pieces of wood had floated away, and they were afterwards recovered. The Governor, at Taranaki, advised the stoppage of the pensions of Tamati Ngapora and his abettors, increased the salaries of Te Wheoro and others, and gave £5 a year to each of the gallant Maori women, and a watch to each of the eight men. To Tamati Ngapora he offered an inquiry, and stopped his pension until a satisfactory explanation could be given. Ngapora was not one of those who could be bought, and the attempt was one of Fouché's blunders. The war-party of Ngaruawahia took stronger measures. They sent more men under Wi Kumete to remove the timber by force. Mr. Gorst met them at Rangiriri. Wi Kumete showed him some spirits which he had captured from a canoe importing them in defiance of the Maori law. Undeterred by Mr. Gorst's remonstrances Wi Kumete went to Te Kohe-kohe, threw the timber into the river, bound it in rafts, and sent a message to the officer in command at the Queen's Redoubt. If provided with safe-conduct the Maoris would land the timber at Te Ia; if not they would let the rafts drift on the river. Kumete received permission to land the timber unmolested; kept spectators off with ropes and stakes, and a guard of his own soldiers; landed the timber; returned triumphantly to Te Kohe-kohe, and suggested that Mr. Gorst and all his surroundings at Te Awamutu should be removed in like manner. The Maoris had put up a post at Maungatawhiri on the Queen's land, with a notice: "This is the Pakeha boundary. The water belongs to the Maoris." Mr. Gorst had pulled up the post, but Kumete re-erected it, and declared that Mr. Gorst's conduct demanded his expulsion.

Mr. Fitzgerald, in a letter to Mr. Adderley, charged Sir George Grey with wrongly striving to build a bullet-proof redoubt at Kohe-kohe under the name of a court-house. Sir George Grey's denial of the charge as untrue contained ample proof that it was reasonable. The despatch (April, 1865) to Mr. Cardwell, introduced his responsible advisers upon the scene. In May, 1862 (Fox, Premier), they recommended that a court-house

should be built. Tawhiao forbade it. In June, 1862, the same advisers advised that "a barrack for the accommodation of a native police force should be added to the court-house about to be built." Sir George Grey thought that Te Wheoro the friend of the English "ought to be allowed to protect himself from violence in his own village, and that preparations should be made to resist the rebellion which I feared was about to break out, and I therefore acquiesced in the advice tendered to me." All this might be true, and yet Mr. Fitzgerald's<sup>1</sup> charge might be irrefutable. As it was perfectly well known to Sir George Grey and his advisers that the erection of any stronghold within the king's territory was tantamount to an act of war, the explanation to the Secretary of State did not convey the whole truth. When Kumete re-erected the boundary-mark pulled down by Mr. Gorst he showed the significance attached by the Maoris to the proceedings of the Government. The expulsion of Mr. Gorst was undertaken by the pertinacious Rewi; and though the narrative somewhat overlaps the course of events at Taranaki, it may be told in connection with the contest at Kohe-kohe.

In addition to the school at Te Awamutu there was an official newspaper<sup>2</sup> devoted to countervail a Maori newspaper published by the king party at Ngaruawahia. The latter bore the evil name, 'The Hokioi,' a mythical invisible bird known only by its scream; the omen of war or other scourge. Patara, cousin of the king, was the editor. The Governor's paper was called "The Pihoihoi Mokemoke," the solitary lark.<sup>3</sup> An article on the evils of the king's government gave great offence by alluding to a gross but unpunished crime. If Matutaera had power to punish he was to blame for neglect. If he had not power, but pretended to have it, he was guilty of false pretences.

<sup>1</sup> Mr. Fitzgerald erred in attributing to Mr. Domett the advice to erect a police station at Kohe-kohe, and Sir G. Grey took occasion in a separate despatch (No. 60; 7th May, 1865) to correct the error which was undeniable though not important.

<sup>2</sup> The 'Maori Gazette' had existed previously, and had been discontinued by Sir G. Grey, but was re-established by him when private enterprise threatened to publish one.

<sup>3</sup> Pihoihoi is rendered as the "ground lark" in Bishop Williams' 'Maori Dictionary.' I know not why the title of the paper has been translated as "the sparrow sitting on the house-top"—in some narratives.

One effect produced by the article was to cause suggestions that the 'Pihoihoi' should be destroyed and Mr. Gorst be driven away. At a time when the Maori mind was seething with apprehensions about the great river, Rewi sent eighty armed Ngatimaniapoto under Aporo, the orator who had confronted Mr. Fox, to destroy the Pakeha newspaper. He himself, with Te Rangitake, held aloof, about 300 yards from the school-buildings. Mr. Gorst was absent when the band arrived on the 24th March. Within the enclosure they had prayers, were stirred by a speech from Aporo, and then broke open the building in spite of the resistance of Pineaha, the Maori native teacher. Everything belonging to the printing-office was seized, and placed on two drays brought for the purpose. Taati and Te Oriori hearing of the outrage, hurried to the spot from Rangiaohia, and asked if Te Whero Whero's words, "Be kind to the Pakeha," were forgotten. Matutaera's were the same. Hone Ropeha replied that he would trample on the king's words. Taati called for writing materials and took down the words. At dusk Taati returned to Rangiaohia, telling the schoolboys to inform him if further violence should be offered. The invaders camped in the printing-house and on the road, and set a guard. Mr. Gorst returned at eight o'clock in the evening. The late fellow of St. John's was in a situation which might curdle the blood of some men. Mrs. Gorst was at this remote dwelling, already in the power of a man whom Mr. C. W. Richmond had called "an essential savage, varnished over with the thinnest coating of Scripture phrases,"—for Te Rangitake, whose pah had been ravaged by the English, was on the spot with the fierce Rewi. But Mr. Gorst was bold in his bearing. In the morning chiefs arrived from Rangiaohia, and all day discussion lasted. Rewi was blamed for his conduct. Mr. Gorst was sent for, and Aporo told him to leave Awamutu. He declined. Rewi was unyielding, and all that the Rangiaohia friends could procure was a respite for Mr. Gorst until orders from Sir George Grey might arrive. Taati and Te Oriori entered the house to ensure the safety of Mr. Gorst and his family, while Rewi's guards surrounded it. Then through the intervention of a missionary, it was agreed that Mr. Gorst should ask the Governor's permission to leave Te Awamutu, Rewi surlily saying that if the

Governor allowed Mr. Gorst to remain he should die. Mr. Gorst agreed in writing to ask for leave to go, and Rewi wrote to Sir George Grey: "If you say that he is to stay he shall die. Enough. Write speedily to remove him in three weeks." The Maori schoolboys heightened the effect of the picture by asking Te Oriori to give them guns with which they said they could protect themselves against the Ngatimaniapoto. On the 26th March, Mr. Gorst was officially instructed by Mr. F. Dillon Bell, the Native Minister, to remove with his family and other Europeans, if he should be of opinion that remaining at Te Awamutu would be attended with any danger to life. Mr. Bell went to Taranaki, and sent thence instructions of a similar nature from the Governor. The king-maker arrived at Rangiaohia. His tribe disapproved of Rewi's proceedings. He told Mr. Gorst, nevertheless, that Rewi was obdurate, and the Europeans had better leave. The king-maker personally approved of the school, but Sir George Grey had said he would dig round the king, and when the king-maker looked to see where the digging was going on, he thought Mr. Gorst and the school were some of the spades. Yet he would not abet violence. Rather he warned Mr. Gorst about Rewi. Mr. Gorst said if the king could not control Rewi, the Governor's words were true, and the king had already fallen. "I think," he wrote, "the chiefs winced a little at this, but Te Waharoa does not lose his temper in argument. It was pitiable to see a man of so noble a character with so base a part to play." Having obtained permission to leave, if needful, Mr. Gorst endeavoured to maintain himself in his post. The Governor renewed the Native Minister's instructions, but took no notice of Rewi's letter to himself. Rewi was told that the Governor could not understand his proceedings, but did not wish Mr. Gorst to fall by his blade. He had no more to say. Rewi replied it was well that the Governor had said Mr. Gorst should go. But he was unwilling to abandon his post. He went to Ngaruawahia on the 13th April. He wrote his narrative from the printing-office of the 'Hokioi,' the Maori newspaper. On the 14th there was a meeting at which he remonstrated with the runanga. He was told that the Governor's words about digging round the king, the Kohe-kohe building plans, the pulling up of the boundary-post

at Te Ia, the court-house at Awamutu, and the articles of the 'Pihoihoi,' were reasons why he should leave Waikato. He retorted that nothing could justify expulsion from his own land, and asked who would drive him away. "Who join in the deed?" he said. "All Waikato." "Who are all Waikato?" Here-wini pointed down the river, waved his wand round the horizon, and said, "From Tongariro to the sea all have agreed." Mr. Gorst denied that Matutaera or Waharoa had consented. On the 15th, Matutaera wrote his decision as follows: "I said to Rewi,—O Rewi! leave these days to me; bring back all the property; let none be lost. I do not say that Mr. Gorst shall stay. He must go." On the 17th, the printing-press was returned, and Mr. Gorst was at Auckland a few days afterwards, some of the scholars following him. The Rev. A. Purchas, medical commissioner, superintended the despatch of the school property, the premises being left in the care of two native teachers, one of whom, Pineaha, had risked his life in resisting the assault on the printing-office. The king-maker wrote a sorrowful letter, regretting Mr. Gorst's expulsion without a cause. The king's sister, Te Paea, undertook to guard the premises against intrusion, and Rewi promised to respect her pledge. As to general policy Rewi was now in the ascendant; and the king and king-maker vainly deplored the rage for war which coursed through the violent Ngatimaniapoto. An armed band of 200 of them marched to the Taranaki district on the 18th April. A letter from Patara (editor of the 'Hokioi') to Tamati Ngapora (27th April), lamented the expulsion of Mr. Gorst and the contempt of the Ngatimaniapoto for the king's authority. Rewi even demanded that Te Ia should be given over to him to work his will upon, but this the runanga had successfully opposed. Strife was at the doors of all dwellers in the Northern Island.

Until the day on which Governor Browne's seizure of the Waitara was approved by the Duke of Newcastle the Maori race venerated the justice of the Queen. Not even Sir George Grey could restore their confidence. His own seizure of Rauparaha by night was never forgotten, and bred distrust in spite of his general popularity. He went to Taranaki on the 4th March to deal with the difficulties arising from the recent war. He had waited until his military road to Waikato was completed,

because if there were war, Auckland without that road was deemed indefensible. He professed to labour for peace while preparing for war. He resumed without opposition the Omata (12th March) and Tataraimaka (4th April) blocks at Taranaki. He instituted inquiries about Waitara which should have preceded the occupation of Tataraimaka.

Lieutenant Bates, of the 65th Regiment, Native Interpreter to the Forces, reported (10th April), on the authority of Mr. Carrington, who had been surveyor in the province for twenty-two years, that far from being under the control of Teira in 1859, the block had contained two pāhs inhabited by two hundred residents, and by thirty-five of Te Rangitake's followers; and that when the block was forcibly seized in 1860, the pāhs and cultivations had been destroyed by the Queen's forces and their native allies. Mr. Dillon Bell, the Native Minister, declared (11th April) that these amazing statements<sup>1</sup> were directly contrary to what he had always believed, and that Mr. Parris still thought them exaggerated. Sir George Grey (12th April) asked Mr. Bell whether, even if there were a flaw in the title of Te Rangitake's people, it was wise, or becoming, or a proper subject on which to risk a war, by expelling from their homes a number of Maoris who had occupied them for years in peace. Mr. Bell consulted Teira, and the old murderer Ihaia, on the 16th April, and they admitted that it was by tribal arrangement that Te Rangitake had settled on the south bank of the Waitara after the return from Waikanae. Teira, when challenged by Mr. Bell for not mentioning the fact to Governor Browne, alleged that when he offered the land in 1859, he did not intend to include the pāhs. He had the audacity to complain that the balance of the purchase-money was unpaid. Mr. Bell replied that the deed prepared made no reference to the reserve of the pāhs, and that it was Teira's duty to have spoken of them. "Teira and Ihaia, after a few moments' silence, said: 'If we could answer that, we would do so. As it is we are silent.' " It had come to this then. Mr. C. W. Richmond's and Mr. Bell's assurances (with Donald McLean's culpable acquiescence) that

<sup>1</sup> Mr. Bell assisted Mr. Richmond in his fruitless endeavour to confute Sir W. Martin's arguments, and framed Colonel Browne's elaborate despatch of 4th December, 1860, in justification of the seizure of the Waitara block.



Teira's title had been investigated and found good, had deceived Colonel Browne, plunged the two races into a bitter war, and were now confuted out of Teira's mouth at the first touch of the unprejudiced Lieutenant Bates, and Bell himself became an instrument in eliciting the truth against which he had formerly contended. The Governor (19th April) wrote, that these admissions made it more difficult than ever for the Government to insist that the purchase of the block should be maintained at all risk, and that a reserve of 200 acres for the Maoris should at once be made round the old native villages. The Ministry consented. As to the admissions, the facts appeared to have been overlooked throughout the discussions on the Waitara purchase in consequence of the raising of the larger question of alleged seignorial and tribal rights. "It is difficult to conceive," they added, "that if these facts had come out clearly at the time of the sale, the practice universally followed, as far as Ministers are aware, in all purchases of land in New Zealand from the foundation of the colony, viz. that of reserving the paha of resident natives, together with their cultivations and burial-places, would not have been adhered to in this particular instance."

A heavier indictment could hardly have been framed against the Government of 1860. The facts now called new were urged by the king-maker in reply to the manifesto of the Governor in May, 1861; and in 1860 Mr. C. W. Richmond, acknowledging that there were some of Rangitake's people on the land, had called them encroachers.

Sir George Grey (22nd April) thanked his Ministers for their acquiescence as to the reserves. He prepared a summary of the existing condition of affairs, and recommended that the purchase should be abandoned, and a notice at once issued in the following terms: "The Governor directs it to be notified, that from facts now come to light, and not before known to him, he does not think that the purchase of the block of land at Waitara is either a desirable one, or such as the Government should make; that his Excellency therefore abandons the intention of making this purchase, and forfeits the deposit of £100 which the Government has made on this land." He told his Ministers, in conclusion: "That the country was in such a state that he felt by no means confident that this act would quiet the minds of many of

the Maoris. On the contrary, he thinks it may now be impossible to avoid some collision with them; but he believes it would at once win many over to the side of the Government; that it is a proper act, and that, if a contest must come, the closest scrutiny either in England or in the colony would result in an admission that every possible precaution had been taken to prevent the horrors of war." Unhappily his contemplated restitution of the Waitara had been deferred until he had given offence at Tataraimaka. Nevertheless, if his Ministers had been prompt, the restitution might have averted war if they and the Governor honestly desired to avert it. But at this crisis they consumed more than a week in drawing up objections to the Governor's proposal. The facts appeared indisputable, having been voluntarily communicated to the Native Minister by Teira himself. "Ministers conclude with his Excellency that the (Stafford) Government was not aware of them." They would not, with the facts before them, recommend a similar purchase; but they reflected on the support given to Mr. C. W. Richmond in the House, and they shrunk from doing justice. They feared to damage Teira's position, and dreaded lest an act of right should seem like concession to intimidation. The rod of the Assembly was over them. They consented to renounce the paks and reserves around them, but shrunk from abandoning the remainder of the land. "Nevertheless, considering the great complexity of the whole case, the difficulty of the Governor's position, the critical state of the colony, and the aggravation of all these evils which might be produced by the opposition of the Ministry to any course which the Governor might feel compelled to adopt," they would leave the decision with his Excellency, and assist him in carrying it out. On the evening of the 30th April they handed their tardy reply to the Governor. He answered on the 2nd May. The Ministry had said that the Native Minister was of opinion that the proprietary right of the sellers to the greater part of the block would be found valid. Sir George Grey anxious (he said) to make no mistake, asked at once for the evidence taken by Mr. Parris. The Native Minister replied that there was none except in the published letters and reports. "I ask in vain for evidence," said the Governor, "and none can be produced." On the 4th May, he again urged

the open abandonment of the block. Precious time was lost in conferences. Mr. Bell went to consult with Teira and some of Te Rangitake's friends on the 24th May, and while doing so heard, by express message from the Governor, of murders committed on that day by Maoris at the south of Taranaki, where the Governor had already taken possession of the Tataraimaka block. At a later date (April, 1864) there was found in a captured pah<sup>1</sup> a letter from Te Rangitake to other chiefs, saying: "If what the Governor says about Waitara is satisfactory there will be no difficulty about Tataraimaka. The sufficiency of what the Governor says must be this,—the giving back of Waitara into our hands, and then it will be right about Tataraimaka." The letter was dated 1st February, 1863. How far the writer could have influenced his countrymen may be a matter of conjecture. It is not certain that if the Ministry had joined in the manly giving up of the Waitara the reclamation of Tataraimaka could have occurred without provoking war. It is certain that their obstructions tended to make war unavoidable. One Ministry directly brought about the war of 1860.<sup>2</sup> Another indirectly ensured that of 1863. Sir George Grey cannot be acquitted of a blunder, for although the Ministry delayed the notification of the abandonment of the Waitara block, it can scarcely be contended that it was out of his power to postpone the resumption of the land at Tataraimaka. To follow the negotiations is a melancholy task, like that of tracing the body of a wounded friend by his blood.

On the 5th May (the day after the murders) the Governor

<sup>1</sup> 'History of Taranaki,' p. 239. B. Wells. 1878.

<sup>2</sup> Mr. Weld, sensitive as to imputations against his absent friend, Governor Browne, wrote to a newspaper (18th May, 1863) denying strongly that in the negotiations between Governor Browne and Hapurona, in 1861 (after the king-maker had withdrawn the Waikato forces from Taranaki), any promise was given that if the Maoris were withdrawn the soldiers should be withdrawn also from the Waitara. Mr. Weld averred that he with Mr. Whitaker was present during the negotiations, and that the promise was only that a claim put forward peacefully should be investigated. But the investigation asked for by the Maoris, by Bishop Selwyn, and Sir William Martin, was a legal one, and an inquiry by Parris or a similar functionary could not adequately satisfy their demand. The vigour with which honourable men vindicated the proceedings at Waitara only furnished proof that judgment is blinded when feelings are roused. The value of Parris as an investigator was shown by Lieutenant Bates' easy discoveries.

received a warning written on 29th April by a gentleman well versed in Maori customs. Ambuscades were being laid to the south of Taranaki. The reclamation of Tataraimaka was "whakama," or "Maori shame," while the English held Waitara. Something must be done to redeem the Maori honour. "We of course know," the writer said, "that we are only taking that which is our own; but they argue that those places are theirs by conquest, that they had a right to hold them, and that they were determined to do so, so long as we hold Waitara." This phrase must have run like iron through the blood of those who had delayed the abandonment of the block. The Governor's despatches tell his own remorse. Reporting the murders he said (5th May): "I fear that I cannot now prevent war by acting in the manner I believe justice required in regard to the land at the Waitara. I take great blame to myself for having spent so long a time in trying to get my responsible advisers to agree in some general plan of proceeding.<sup>1</sup> I think, seeing the urgency of the case, I ought, perhaps, to have acted at once without, or even against, their advice; but I hoped from day to day to receive their decision; and I was anxious, in a question which concerned the future of both races, to carry as much support with me as possible; indeed, I could not derive its full advantage from what I proposed to do unless I did so." He had thought the violent natives anxious to hurry into war while the English were unprepared; but had hoped for a few days' continuance of peace. He had one hope left,—"that the shocking nature of the wholly unprovoked murders may strike with shame and terror the better-disposed natives, and prevent them from confounding the troubles which must result from these murders with the disputes which have arisen regarding the land at the Waitara."

<sup>1</sup> Mr. Fox disingenuously concealed the delays caused by the Ministry. Fresh from the post of Premier in New Zealand, he said in his book, 'The War in New Zealand' (1866): "By one of those unfortunate errors which are apt to befall those who are too much given to diplomacy, Sir George Grey, for some unexplained reason" (having decided to give up Waitara and retake Tataraimaka) "reversed the process; without even giving a hint of his intention to surrender Waitara, he sent soldiers to occupy Tataraimaka." Yet Mr. Fox had before him (when he wrote these words containing something more than "an unfortunate error") the Parliamentary Papers, English and Colonial, quoted in the text, and cited in 1864 by Mr. Gorst in his book 'The Maori King.'

On the evening of the 5th May, the Ministers earnestly consulted with Sir George Grey. Then, too late, they agreed to withdraw the troops from Waitara; to hold a meeting of the Ngatiawa at the place, and proclaim the abandonment of the block, and an amnesty for all offences connected with it. On the 6th, Sir George Grey had an interview with native chiefs (amongst whom was Horiana the daughter of Te Rangitake), and paved the way for their reconciliation with the friends of Ihaia. On the 7th, Lieutenant Bates met other chiefs, including Teira. He was told by Ihaia that the recent murders were "the act of the whole island for Waitara." For seven long hours Lieutenant Bates prolonged his conference, and reported it to the Governor. On the 8th, the Governor in a brief minute declared his "decided opinion that the Government should forthwith announce in terms which the natives cannot misunderstand—that from facts recently come to their knowledge, they will not proceed further in the purchase of the land at the Waitara—that the Government does not claim that block of land, or assert any right of property in it." Teira ought to be liberally treated. "The Governor would earnestly press that no time should be lost in taking positive steps in these matters."

The Ministry had learned the value of promptitude. They replied on the 8th in a minute, concluding thus:—"It is evident from the despatch of the Duke of Newcastle, received yesterday, that the Imperial Government still maintain the opinion that the Waitara was 'a settlers' war.' It is in vain for Ministers any longer (in the midst of difficulties which require instant action) to contend against this view: it only remains for them to avoid the possibility of any war being renewed on any grounds that would admit of that assumption as to its character and origin, which would be the case were war to be renewed at Waitara. Independently of this consideration, the imminent danger of a general insurrection, if any fighting whatever takes place at the Waitara; the exposed position of the other settlements of the North Island, to which Ministers must mainly look; and the necessity of now employing a large body of troops to the south of New Plymouth, make it absolutely necessary to withdraw from any risk of a collision at the Waitara. This can only be done (notwithstanding the risk mentioned by Lieutenant

Bates of the land being placed under the Maori king's authority) by the adoption of the Governor's proposal in his minute of to-day, and Ministers therefore concur in that proposal." He hardly gives at all who gives too late. Had they, on the 22nd April, agreed to the immediate issue of the notice put before them by the Governor all might have been well. It was almost impossible that, in face of so dramatic and unforced an act, the Maoris would have directed an outbreak without previous and protracted discussions. In their cry of distress the Ministers revealed the motives of their final concession. The need of English forces to wage war, and the imminent danger to other settlements, extorted from them what no appeal to their sense of justice could procure. Their consent was hardly in his hands, when on the same day Sir G. Grey met a number of chiefs, of whom Ihaia was one. They had agreed to a re-union of the tribe at Waitara. The Governor announced the abandonment of all claim to the block. He renounced the purchase, as he believed Governor Browne would have renounced it, had the fact been before him, that to complete it more than 200 residents would have to be evicted. Nevertheless, in order to keep faith with Teira, the money promised would be paid, though not for the land. The land would revert to whatever its former ownership had been. The chiefs declared his words to be good. One wanted to know whether judgment in favour of Te Rangitake was implied. The Governor said he gave judgment for neither party. The invariable rule was not to turn off any residents in buying land. "Let all who lived there come back in peace if they choose." Ihaia said: "We will receive the laws from your mouth. We fought for the Governor when he told us to fight, and we yield when the Governor tells us to yield." He and Mahau declared they would never join the Maori king. The Governor said: "Come to me when any danger threatens, and I will take care of you." The conference turned upon the important question of a general rising, in case the recent murders at Oakura should be punished. The Governor said retribution would overtake the murderers, and if the Waitara natives were disturbed they should see what measures he would take for their safety. The chiefs said: "We are now saved," and despatched a messenger with the Governor's

words to Mataitawa, where the Maoris, interested in the Tataraimaka block, were assembled. There were more discussions between the Governor and his Ministers, and nocturnal meetings with them and the General, before the troops were withdrawn on the 13th May. On the 11th May, by proclamation, the claim of the Government to the Waitara block was renounced, with the advice and consent of the Executive Council.

The resumption of Tataraimaka remains to be told. On the 12th March, forces under Colonel Warre, 57th Regiment, occupied without opposition the Omata block, amidst indications of goodwill on the part of the Maoris. On the 4th April, the Tataraimaka block was similarly occupied, and when Sir George Grey left it, on the 6th April, natives formerly hostile were arranging for sales of potatoes to the troops. Then followed messages to and fro among the Maoris as thickly as they were flying between the Governor and his Ministers at the same time about the Waitara. Te Rangitake wrote to tell Rewi of the seizure of the Tataraimaka lands. Rewi wrote to the men at Taranaki: "Fight these people, but in fighting them, fight in a civilized manner, and do not torture them." The Native Minister reported that ambushades had been made by the Taranaki natives. Tamati Hone on the 28th April ordered the natives in ambush to retire, and was obeyed. Friendly chiefs reported that the Governor, the General, and principal men were to be attacked. Traffic was nevertheless continued. Meanwhile it became known that Rewi had told the Taranaki men to fight. Mr. Gorst heard that Rewi alone was responsible for the order. Sir George Grey at a later date came to the conclusion that three chiefs concerted the message, that one of them lived near Rangiriri, and that as soon as the message was despatched those defensive works were commenced at Rangiriri which were to cost the English many lives.<sup>1</sup> Howsoever the order had been given or supported it was plain that war was at the door. The tardy renunciation of the block at Waitara had made nugatory, for the existing emergency, an act which in itself was laudable as a tribute to justice. No Englishman except the much-reviled Fitzroy seemed to touch the Waitara

<sup>1</sup> The statement in the text about his letter was made by Rewi in public in the author's hearing.



question without crime or blunder. The lust and rapine which gleamed from the covetous eyes of the Taranaki settlers were reflected continually in malignant phrases already quoted in the text from Provincial Councils, the Richmonds, Atkinsons, and others. Donald McLean would not risk his position in a contest with the Native Minister whom, after abandoning Sir William Martin's counsels, Colonel Browne delighted to honour. Parris bowed down before the same idol. Private letters from one so active and powerful as C. W. Richmond, were irresistible. Parris had exhausted his virtue in protesting against "the peremptory plan" of Mr. Turton to rob Te Rangitake, and became a ready tool in carrying out the more peremptory plan of Mr. Richmond, declared to be "carefully chosen." Sir George Grey instead of obtaining the consent of his Ministers to the restoration of the Waitara block; and, at the least, making its restitution contemporaneous with the resumption of Tataraimaka, occupied the latter before investigating the facts connected with the former. His Ministers were "amazed," on the 11th April, at the proof of the crime committed under Colonel Browne; and yet it was not until the 30th April that after much discussion they consented, with reservations, that justice might be done if the Governor should choose to do it. To the Governor's proposed proclamation (22nd April) they would by no means consent. The Oakura murders and a despatch from England converted them, and they did on the 8th May what they had refused to do when it might have been useful. Mr. Fox's insinuation that the delay in the abandonment of the Waitara arose from "one of those unfortunate errors which are apt to befall those who are too much given to diplomacy"—and Mr. Fox's silence about the protracted contention between the Governor and his unwilling Ministers—proved the contagiousness of error in the matter. He had nothing to do with the case, but he could not write about it except in a manner calculated to deceive.<sup>1</sup> But the consequences of the blunders of 1863 require to be told.


<sup>1</sup> He succeeded in part. In the 'Life of Bishop Selwyn' (London: 1879) the author says that Sir George Grey, "when he heard of the murder, said: "Now I must give up the Waitara." The accepted untruth has made it necessary to record the dates in the text with minuteness.

The reader will remember that Mr. Gorst's life was supposed to be in danger at the hands of Rewi in April, and that the Governor and his advisers had before them the erection of the Maori boundary-post at Maungatawhiri, the casting of timber into the river at Kohe-kohe, the expulsion of Mr. Gorst, the resumption of Tataraimaka, and the abandonment of Waitara. On the 4th May, a small party of men were escorting a military prisoner to Taranaki for trial. Lieutenant Trajett and Assistant-Surgeon Hope of the 57th, going to town on private business, travelled with them, making the party eight in number. At Oakura, between the Tataraimaka and Omata blocks they were fired on from an ambush, and at the first volley all but one or two were dead or mortally wounded. Then their heads were brutally cut with tomahawks. When resuming the Tataraimaka block the Governor had found, on consulting the General, that it would cost nearly £20,000 a year to hold it against hostile Maoris. As there were only twenty English owners of the 4000 acres composing it, he persuaded his Ministry to agree to purchase their rights. Mr. Brown, the Superintendent of the province, undertook (21st April) to propose, but not to support, a Bill to authorize the purchase. Taranaki maintained its impracticable character, and the Provincial Council rejected the Bill. At a time of such imminent public danger Mr. Brown argued that no coercion ought to be attempted "till it was shown that the owners either refuse to sell by arbitration, or ask a price for their land greater than it would be worth if it could be occupied in security." In other words, the wrongs done by Governor Browne, and imputed by Mr. Fox to the instigation of Mr. C. W. Richmond and the Taranaki settlers, were to be maintained, and the sufferings they entailed were to be redressed by the General Government; and the Provincial Council was to withhold reasonable assistance. A petition to the Queen from the inhabitants at Taranaki declaring the compensation voted for them inadequate, was drawn up in March. Sir George Grey transmitted it to England on the 16th May, with a minute by his Ministers which showed that out of £200,000 voted for the general good at Taranaki, £120,000 were apportioned for compensation, £80,000 were retained for purposes of re-instatement of the province, and the province was enabled by

local enactment, assented to by the Governor, to raise £50,000 by loan to meet claims for losses which the apportioned sum of £120,000 might be insufficient to meet. In a minute by the Governor at Taranaki (March, 1863), consenting to the arrangement of the loan, he said: "The great difficulty in my way is that the language of some few of the settlers has been such, in their efforts to force on a war, and in my opinion still continues to be such, that I fear it may be thought if the Government adopts the course I recommend that it will be believed by the persons I have alluded to that we have conceded this point of compensation in consequence of the system of intimidation pursued towards myself and the Government, and that this fancied success may lead to increased efforts to force me into a war with the natives. Still I would do what is right, and meet firmly the evil I anticipate." It will have been observed that in consenting to Grey's policy about Waitara the Ministry referred to a despatch from the Duke of Newcastle as the turning-point which made it hopeless for them to contend any longer against the view that the Taranaki war had been a settlers' war. In the turmoil of events, while yet at Taranaki they found time to deal with the subject of colonial responsibility, discussed at great length by the Duke of Newcastle, as already related. "The Imperial Government acknowledged no indefinite obligation" to pacify the country, as seemed to be locally demanded. A diminution of the Imperial forces was to be expected, and the important step of placing the management of native affairs under the control of the General Assembly was sanctioned. The Treasurer, Mr. Reader Wood, was with a colleague at Auckland, and shrunk from paying over the large unpaid portion of the £120,000. In view of the additional forces asked for, and the probability of war, they thought they would not please the Assembly, nor comply with the Loan Act, "nor with financial prudence, if they were to assent to the distribution of any portion of the fund at the present time, by way of compensation to the Taranaki settlers." Though Mr. Domett and Mr. Bell agreed with the Governor, they would not take the responsibility of over-ruling their colleagues, and the sum in question, £90,000, was not paid. It was agreed in June to pay interest upon it to the distressed Taranaki settlers until the


Assembly could consider the subject. The Taranaki Provincial Council had in the mean time passed their own Loan Act for the sum of £50,000.

The Duke of Newcastle in a separate despatch expressed confidence in the vigour, ability, and public spirit of Sir George Grey, and explained that he had not meant in any past censures to impair his power of usefulness. It was with the Colonial Government and Legislature that he found fault. On the 14th May, with almost a certainty of a great war before them, the Ministry drew up a paper on the conduct of the Native Department. They referred to the resolutions of the representatives in August, 1862, on administration of native affairs. They declared that the most important business was the personal communication between the natives and the Governor, that to it the natives looked for guidance, and that while Sir George Grey was in the country the system must continue. Responsibility must thus be divided, the Governor being answerable to the Crown, and the Ministers to the Assembly. The position was admittedly anomalous, and practicable only where confidence was mutual between Governor and Ministers. Sir George Grey, on the 16th May, highly complimented his Ministers, especially Mr. Bell, on their ability, zeal, and cordiality. He reminded them, however, that when, in order to meet the supposed wish of the General Assembly, he had handed over responsibility for native affairs, the Assembly repudiated the arrangement, which had not been made by their desire. Nevertheless the Native Department had remained under the control of the Ministers; and "he had consequently never been able to act in native matters with that vigour and promptitude which he believed essential to successful administration." If such had been the case under Mr. Bell, what might have been the result with a Native Minister less able and less acquainted with native affairs? Feeling strongly "the great evils resulting to both races from the present system, in which all power rests really in the hands of his Ministers, whilst responsibility rests upon himself, and that there can consequently be no rapidity of decision or vigour of action in native affairs in this most important crisis of the history of the colony, the Governor begs Ministers to accede to the advice of Her Majesty's Government by acting



on the principle that the administration of native affairs should remain as it now is with them, and that the Governor will be generally bound to give effect to the policy which they recommend for his adoption and for which they will be responsible." The plan would "simply give Ministers who have now all the real power the means of using that power vigorously and promptly, whilst their rapidity of decision and action must necessarily be quickened by the sense of the great responsibility that will rest upon them." He would assist them to the best of his power. The Ministers admitted the accuracy of the Governor's reference to the resolutions of the House, and, learning that in his opinion the system worked badly, expressed their readiness to concur until the next session with any agreement whatever to remedy the evils of the crisis. But they considered themselves precluded by the resolutions from accepting the position in which the Duke of Newcastle wished to place them. If in peace the Assembly refused to take the direction of affairs it could not be supposed they would do so when war was imminent. Sir George Grey (20th May) did not think the resolutions precluded the Ministry from assuming responsibility. The Assembly would treat with generosity all assuming responsibility at such a crisis. "Ministers must allow some latitude of expression to the Governor at the present moment when life, property, wives, children—all that men hold dear—are in imminent peril over a large extent of country." He had hoped that the Ministers would have suggested some plea. As they had thrown the task upon him, and as he believed not a moment was to be lost, he would urge that to the administration of native affairs should be added the "control of militia and volunteers, of the local forces of every kind, of the funds voted for public purposes, of the Post Office; in fact of nearly every Government establishment in the country. At the present instant, which he believes to be one of as great public peril as he has ever known, the Governor thinks that whoever is to govern the country should be armed with every power which the State confers on those who rule it." In such a crisis those powers should be increased. Men must rise equal to emergencies. "The Ministry can in a moment assume these powers; they virtually have them now. They are the con-

stitutional depositories of them, and the Colonial Secretary (Mr. Domett) is the person upon whom properly the chief direction and responsibility should rest. If Ministers will not assume what the Governor believes to be their duty, and exercise these powers, and take that responsibility which goes hand in hand with power, then the Governor thinks they should under present circumstances relinquish them to him until the Assembly meets. The Governor thinks that Ministers will excuse him for pressing this advice upon them; but his doing so at this critical time is a necessity of the position of responsibility in which the General Assembly and Ministers have, against his will, placed him." The Ministers then at Taranaki postponed till a more convenient season their reply to this appeal. They had to consult their colleagues in Auckland. It was impossible, Domett wrote, "to convey to his Excellency at that moment any expression of the opinion of Ministers as a body." But while avoiding what he called "the theoretical question of responsibility," he submitted to his colleagues a long minute (23rd May) on the crisis. It did not rise to the height of the argument; and contains so little pith that hardly a passage can be quoted as significant. He recommended that a proper proportion of militia should be called into active service in the Northern Island. The Taranaki militia, 500 in number, cost £36,500 a year; and while the Otago gold-fields courted labourers, the militia pay (2s. 6d. per day with rations), could not be reduced, but perhaps would require augmentation: but the House of Representatives "had not voted one penny to meet the expenses attending a state of war." Active operations by the military were required to convince the Maoris that it was their interest to be at peace, but everybody said that many more troops than were in the colony would be required to secure "chance of success." It would be a bad example to abandon the Tataraimaka block, but if preservation of other settlements required the sacrifice, a bad example could not be helped. In such a manner did Mr. Domett rise to the emergency. Mr. Bell thought the force in the country insufficient for offensive operations, and the calling out of the militia useless. The Governor replied on the following day. Ministers appeared to think that the necessity to call out the militia and volunteers



depended on whether aggressive movements were to be made or a defensive position maintained. He could not concur in his opinion as regarded Auckland. An aggressive movement would probably create a general rising, and certain settlements ought to be made secure before making any aggressive movement. He submitted that it was needful, not to determine what should be done for the defence of the colony in event of a general rising, but forthwith to take such active measures as might probably prevent such rising, and place the colony in a thorough state of preparation, thus encouraging friends, disheartening enemies, and placing Europeans in security. He was bound to express this opinion, for he had asked for large reinforcements, and would find it difficult to justify his having done so unless the colony by corresponding efforts showed its sense of the impending danger.

At a later date, in Auckland, after numerous conferences, the Ministry addressed themselves to the question which the rejection by the Duke of Newcastle of the resolutions of the General Assembly had created. In ordinary times there would be but one course open, viz. to convene the Assembly. But imminent war gave no time for debates. Ministers could not attend to departmental duties and prepare measures for the Assembly in such a crisis. Waiving the permanent settlement of the principle of responsibility, Ministers would temporarily accept the following position. The Governor had recently told the Executive Council—that the Taranaki question could not be settled while Waikato was the centre of disaffection, and Auckland was in danger of invasion; that, by concert with the General, the Governor's attempt to arrange affairs at Taranaki was tentative; and that, in case of interference by the Waikatos at Taranaki, Auckland was not to be jeopardized, but the forces were to return thither, and, after the Waikato tribes had been brought to terms, affairs at Taranaki were to be put in order. The Governor's plan was to make the southern bend of the Waikato river a line of defence, with military posts on the north bank and armed steamers on the water; to guard the line between the bend of the river and the Hauraki Gulf with fortified posts, and the Gulf by a steamer; afterwards to throw forward military posts and occupy Paetai and Ngaruawahia, where another



steamer was to be stationed. Hostile natives residing within the line of defence were to be banished, lands of hostile Waikatos were to be confiscated, portions being given to military settlers, and the remainder sold to defray the expenses of the war. Militia and volunteers were everywhere to be called out, and confiscation was to follow hostility at other settlements.

The minute (24th June, 1863) declared—Ministers cordially concur in these plans of his Excellency, and they are willing to take upon themselves the responsibility for their adoption, on the understanding that they will be carried out as a whole, the colonial funds bearing all the expense of militia and volunteers. They thought notice should at once be given, that lands of natives taking arms against the Queen would be forfeited, and they anticipated the approval of the Assembly of the whole scheme. Sir George Grey pointed out that the Ministers had left untouched the general question of responsibility, and the relations of the Governor to his advisers. He forbore to press it at such a time, thanked them for their hearty co-operation, and hoped that the General Assembly would be called together as early as the public good permitted, in order that he might be legally invested with powers which he was temporarily forced to assume under heavy responsibility. These documents were laid before the Assembly on the 19th October, and, if translated for the Maoris, must have shown them that, while professing peaceful desires, the Governor and his advisers were intent upon war.

With the concurrence of his advisers, the Governor had applied in May for reinforcements. A general rising was apprehended. Though a battalion of the 18th Regiment was expected, 3000 more soldiers were needed, and, in accordance with opinions of officers who had served in India, two regiments of Sikhs and one European regiment were asked for from India. The Ministry would propose that the colony should bear the cost of the whole of the pay of the Sikhs. Meantime, the Maoris were not idle. The curse of past delay weakened among them the effect of the renunciation of the Waitara purchase. A chief declared: "When Governor Grey heard his men were killed at Oakura, his heart misgave him, and he said, 'Now I must give up Waitara.'" <sup>1</sup>

<sup>1</sup> Such a conclusion was natural in the mind of any one ignorant of the

Governor Grey meanwhile laboured to prevent friendly tribes from falling from allegiance; and Rewi and his friends stirred them by letters to contrary conduct. In Waikato there was confusion. All Europeans were compelled to leave. The Maori newspaper, the 'Hokioi,' had been discontinued. Rewi wished to make a descent upon Te Ia and the adjacent settlers. Te Paea the king's sister, Patara, and other chiefs, were able to prevent him. The king-maker and Te Oriori openly condemned him. The Ngatihaua and central Waikato tribes advocated peace. Some only, among the Lower Waikato tribes, joined Rewi in demanding war. The Ngatihaua eventually assembled in arms to enforce peace. On the west coast, between Taranaki and Wanganui, it was rumoured that the Maoris were hostile to the Government. Between Wanganui and Wellington they were friendly. Renata, a chief at Hawke's Bay on the east coast, said: "We can see clearly the error of our native tribes in slaying the Pakehas at Tataraimaka; but, at the same time, we cannot lose sight of the error of the Governor in not making known his decision about Waitara at the proper time. Waitara was the source of evil. The root and source should have been made clear before following up the branches (Tataraimaka)." The tribes on the Thames and at Rotorua condemned the murders and sympathized with the Governor. The Ngapuhi, under old Waka Nene, were staunch as ever to their Queen. The Civil Commissioner, Mr. Clarke, reported that during forty

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correspondence between the Governor and his Ministers. Mr. Fitzgerald in the end of 1864, in published letters, upbraided Sir G. Grey for having taken no steps for eighteen months to redeem his promise to inquire into the affairs of the Waitara purchase. Sir G. Grey replied that from "the moment of my arrival in the colony I did my best . . . to persuade the natives . . . but no persuasion on my part or that of others could induce them to agree to such an inquiry." But the inquiry on the spot, made by Lieutenant Bates, might have been made in 1861 as easily as in 1863, and a timely abandonment of a false position might have averted further trouble. As to the resumption of Tataraimaka, Sir George Grey said he would under like circumstances "do it again,"—that Mr. Fitzgerald neither understood Englishmen nor barbarous men; and that to have done otherwise would have encouraged barbarians to attempt the conquest of new homesteads—the capture of more booty (Despatch, April, 1865). Sir George Grey is entitled to his explanation for what it is worth, but it entirely disregards the important element of time.

years' residence in New Zealand he had never known such a burst of loyalty and good will from the Ngapuhi as was manifested after the Taranaki murders.

At four o'clock on the morning of the 4th of June, the Governor left Taranaki in H.M.S. 'Eclipse.' At nine o'clock on the night of the 3rd, General Cameron had marched by land to a concerted attack on the rebels at the Katikara river. The 'Eclipse,' on her voyage, took part in the action. Protected by the fire from the 'Eclipse,' and of Armstrong guns served by the Royal Artillery, the men of the 57th, 65th, and 70th Regiments (the land force being 771 in number) crossed the river gallantly in spite of heavy fire from rifle-pits and redoubt. The General witnessed the desperate resistance of the enemy, and the rush of the soldiers as they entered the work and shot or bayoneted all the Maoris left within. Twenty-eight were found dead in the redoubt. The English loss was three killed and eight wounded. The flight was precipitate, and the 'Eclipse' threw shells on the fugitives as they ran. The General praised all the officers and civilians engaged, and could not refrain from mentioning Major Whitmore, his former Assistant Military Secretary, who had settled in the colony, but, happening to arrive at Taranaki the day before the action, insisted on accompanying the troops into the field.

It was essential to ascertain how the Oakura massacre was regarded by the Maori king. Mr. Rogan, an officer of the Native Department, essayed the dangerous task of carrying a letter. After repeated stoppages he reached Ngaruawahia, where, though he did not see the king, he ascertained the opinions of others. The king-maker boldly declared that the Tataraimaka murders were wrong. Rewi said the deed was not murder, but the re-establishment of a righteous war. It was rumoured that there was vehement altercation between them. It was said that Rewi wished to attack the villages near Auckland—nay Auckland itself—while the Governor and General Cameron were at Taranaki. But Rewi has averred that his advice was, that Sir George Grey should be met fairly if he respected the boundary at Maungatawhiri, and that if he crossed it he "should be met roughly." Mr. Gorst declares that the king-maker went down the river to visit Waata Kukutai, the

Queen's magistrate, thinking the time had arrived for all who loved peace to combine to ensure it. "The members of the Government, however, in Auckland, did not like Te Waharoa. Few Europeans knew him personally, and it was the fashion to believe him insincere. No encouragement was on this occasion held out to him, nor were any negotiations entered into. He was left to struggle unaided against the flood of confusion which the acts of Government had let loose." Such was the verdict of an intelligent eye-witness, himself recently expelled by Rewi from Te Awamutu, and consequently free from unreasonable bias towards the Maoris. But amongst the colonists the rumours of a contemplated attack upon Auckland were revived. At Auckland there was such a sense of impending danger as is felt in the lull which precedes the bursting of a storm. The plans of the Governor and his advisers were not calculated to dispel alarm. With them, indeed, was the choice of good or evil. The Maori king was unpledged to violence, and Rewi was too astute to commit himself to war without support. Moreover, it was always the desire of a Maori to evade the responsibility of a quarrel until his antagonist had put himself in the wrong by some act which could be construed as a *ta-ke*, or just cause of war.

Neri went to Auckland and talked to the Governor about the Maori king. The Governor told him that if he remained an hour in Auckland he should be put to gaol. Aporo, the ring-leader of the attack on the printing-press, went to Auckland on private business. He was arrested in the Native Office and committed on a charge of felony. Mr. Gorst, his former victim, tells the tale with shame. There was never, he says, any *animus furandi*, yet the Auckland jury, enemies of his tribe, hating him for his political opinions, found the undefended prisoner guilty, and he was sentenced to two years' imprisonment for theft. Mr. Gorst says: "It was expected, and I am sorry to say hoped, by many that either the dismissal of Neri or the seizure of Aporo would so enrage the Waikatos that they would attack us; but they remained steady to their original resolution that the Pakeha should begin the war." He who was called savage did not allow himself to be provoked by the lawless acts of him who was called civilized. Many in Waikato had never approved the attack on

Te Awamutu, and they declined to seem to justify it by making common cause with Aporo. But, prophetic in their thoughts, the Maoris removed to a more distant resting-place the bones of their ancestors, buried at Onehunga, near Auckland. Nevertheless, on the 16th June, the wise and well-informed Archdeacon Maunsell, while sending Maori letters written in alarm, told the Governor that he had received indisputable information that at that date the Maori king and Te Waharoa were desirous of peace. On the 9th July the Governor called on all Maoris living in the Manukau district and thence to the Waikato frontier to swear allegiance to the Queen and to surrender their arms. Those obeying would be protected, those refusing were warned to retire beyond Maungatawhiri under pain of ejection if they did not comply with the Governor's orders. He justified this step by saying it was impossible to leave a disaffected population in rear of the General's forces. Mr. Gorst, Major Speedy, Mr. Armitage, and Mr. Halse were among the persons directed to seize fire-arms and to administer the oath of allegiance in all the Maori villages from Auckland to the Queen's Redoubt on the borders of the Waikato territory, where the Maori boundary existed. On the way to Mangere Mr. Halse met Tamati Ngapora, the king's councillor. After a friendly meal at a missionary's house, the Governor's hostile notice was read to the chief. He listened gravely and asked that it might be read a second time. After a short silence he said to the missionary: "Is the day of harvest close at hand?" Yes. "Why were not the wrongs of Waikato first discussed?" Mr. Halse said he could not discuss that question. Ngapora said: "If I have any influence there will be no fighting. I have dear friends amongst the Pakeha and amongst the Maoris. Why are they to be slain? I will not cease to urge that there be investigation." He crossed the Manukau waters to his abode at Mangere. On the morning Mr. Halse followed him and read the Governor's notice to the Maoris assembled. One by one, after intervals of significant silence, they intimated that they chose exile rather than submission to the Governor's demands. Ngapora reclined upon the ground. When the views of all the others had been made known he sat up and said: "Last night I made known the notice without attempting to influence the decision of the

people. You have now heard their words. I have nothing to add to what I said last night. We are one tribe and cannot be separated." He reclined again and there was general silence. Almost without exception the Maoris abandoned their homes in distrust. In the surprise which overwhelmed them they took some thought for the places which they held in veneration. When Mr. Halse, after distributing notices on his way, reached Pukahi, the chief Mohi had just gone with Bishop Selwyn to point out a burial-ground, and entrust it, with the native church, to the Bishop's care. When Mohi returned, Mr. Halse announced the object of his visit. "He asked for a copy of the notice. I gave him one and he read it aloud to the people present. Repeating the decision of his people to go to the Waikato he went into his house, where Bishop Selwyn was seated." Another chief, Ihaka, was ill, and the exiles paused at Kirikiri. Mr. Gorst considered that the decree of banishment was harshly enforced, and that much property was seized by the colonial forces and by the settlers. Bishop Selwyn, as usual, was active in doing good and restraining evil. At Kirikiri Mr. Gorst, in company with Bell, saw Mohi and the ailing Ihaka. Mohi declared that he had ever been opposed to Rewi's warlike projects, but that as the Governor had passed the Rubicon (Maungatawhiri), he must join his people and live or die with them. That night peremptory instructions arrived from Auckland, under which Ihaka and the infirm, with women and children, were seized. In some manner, never explained, Mohi with the able-bodied joined his brethren in arms. Sir George Grey informed the Assembly that he believed Ihaka to be deeply involved in a scheme to attack Auckland.

Tamati Ngapora's retirement was dramatic. He was conducting the service at Mangere in his Maori church when word was brought that left no doubt as to the danger of remaining within the Governor's reach. Gravely and silently he put down his book, and when he gained the outer air swiftly shook the dust of Mangere from his feet and with his people flitted to Waikato. He was too wary to remain within reach of the captor of Rauparaha. His Maori book was found in the church where he left it, and a thoughtful Pakeha secured it with the hope that it might in happier days revert to its owner. The

hope was gratified after many years. Mr. Armitage, who went to Tuakau to serve the notices, was an old resident at Waikato. One chief professed willingness to take the oath of allegiance, but another by threats prevented Armitage from administering it. Armitage wrote: "I have sent notices to several king natives at the Onewhero and Takihakahi to leave that part of the river. I have done so for my own personal safety in passing to and fro between the Ia and Cameron."

On the 15th July another notification, under the Governor's hand, appeared at Auckland, after the General had entered upon active war by crossing the recognized boundary. It imputed a desire for war to the Maoris. It declared that "for the protection of all" military posts will be established at Waikato. "I now call on all well-disposed natives to aid the Lieutenant-General to establish and maintain these posts and to preserve peace and order. Those who remain peaceably at their own villages in Waikato, or move into such districts as may be pointed out by the Government, will be protected in their persons, property, and land. Those who wage war against Her Majesty, or remain in arms, threatening the lives of her peaceable subjects, must take the consequences of their acts, and they must understand that they will forfeit the right to the possession of their lands guaranteed to them by the treaty of Waitangi, which lands will be occupied by a population capable of protecting for the future the quiet and unoffending from the violence with which they are now so constantly threatened." Dated the 11th July, and carried in Maori language to various places, the notification emanated from the Colonial Secretary's Office on the 15th. The Governor's averments could not disguise the fact that he and not the Maoris had committed acts of violence. The threat of confiscation of land supplied the reason. The king-maker wrote to ask the Governor why he had not followed the Maori example. All the Europeans in Waikato had been sent away in safety with all their property. "Why has the property of the Maoris been plundered?—and why have Ihaka and the women and children been taken prisoners?" Before his letter was received blood had been shed.

After the known decisions of the Maori king's council about the Waikato district, the crossing of the Maungatawhiri and the



notification of the Governor were accepted as a declaration of war. On the 12th July, General Cameron crossed the Maungatawhiri with 380 men; encamped at Koheroa, and commenced building a redoubt to command the river and secure his communications. The cutter of H.M.S. 'Harrier' and other boats had been carried overland to assist in descending the Maungatawhiri from the termination of the new road. About 30 Maori canoes were destroyed on the assumption that war had begun. The Bishop and the good Archdeacon Maunsell volunteered to minister the offices of religion to the army, and were permitted to do so. They hoped to mitigate the horrors of war, and to extend their ministrations to the Maoris. Mr. Meredith and his son, settlers near Drury, were found dead, and no one doubted that the Maoris had killed them on the 15th July. Gloom if not panic overshadowed Auckland and the rural settlers. On the 16th, Colonel Murray proceeded at daylight to arrest as many Maoris as he could. He captured thirteen men, seven women, and eight children near Drury, but the main body of the villagers escaped. The conduct of the troops under heavy rain elicited the admiration of the Colonel commanding. On the 17th the officer in command at Koheroa observed the Maoris collecting on hills in front. Detachments of the 12th, 14th, and 70th, in all 500 men, at once proceeded in skirmishing order to the attack. Firing on both sides ensued, and from recently-constructed rifle-pits the natives were driven in spite of great obstinacy, until finally they escaped across the Maramarua river by swimming or in canoes. General Cameron, who was in front, thought the Maoris engaged to be 300. More than twenty were found dead. About twelve of the 14th Regiment were wounded, half of them dangerously. On the same day Captain Ring, marching with a convoy from the Queen's Redoubt at Maungatawhiri to Drury, was fired upon. Four soldiers were killed and ten wounded before the remnant of the party could find shelter at the house of one Mr. Martyn, till reinforcements arrived. Some of the enemy were seen to fall. The simultaneous movements in front and rear of the General were received as proof that a raid upon Auckland had been maturely planned by the Maoris. They also showed that ambush and sudden surprise were tactics relied upon. There was more skirmishing on the 22nd. Captain Ring reported: "I lost one

man killed, whose rifle and bayonet were taken possession of by the natives, though not without serious loss to them. . . . I remained in the entrenched position till close on sunset, keeping a steady fire on the enemy, who were endeavouring to obtain the body and ammunition of the private who was killed." Reinforcements arrived, the Maoris drew off, and the body of their dead comrade was recovered by the English.

Wisely had the Maori king's friends decided that no steamer should ply on the waters of the Waikato. With equal wisdom had Governor Grey determined otherwise. Captain J. C. Mayne, of H.M.S. 'Eclipse,' took the 'Avon' steamer in tow at Onchunga, on the 16th July, and after some days' detention at the Manukau bar crossed the Waikato bar with the 'Avon' on the 25th; and on the 27th, after various groundings, anchored her at the Bluff, near the junction of the Waikato and Maungatawhiri. Everything had thus been done which the Waikato tribes had opposed. Maoris had been driven from their pillaged homes. The Waikato frontier had been crossed. A war-steamer had been placed on the river. Not to fight would have been an abject acceptance of slavery, if not of reputation as cowards. The genius of the Maori race was abhorrent of both conditions. Better death with honour than peace with shame. It was reported and believed that among the Maoris who fell at Koheroa were many who were loyal to the Queen until her forces passed the Maungatawhiri. They then said: "Injustice is being done, and we must cast in our lot with our countrymen." Again, therefore, as at Taranaki, an overt act of violence in the name of the Queen provoked war, and Sir George Grey and his advisers deserve the credit or the shame.

And now the long-suffering of the king-maker was exhausted. He, too, yielded to the national feeling, and announced his intentions to his old friend, Archdeacon Brown, on the 25th July:

"Salutations. Friend, hearken. The reasons were many that induced me to consent to view the work between the Waikato and the Governor. This is a word of mine to let you know my views. I shall spare neither unarmed people nor property. Do not suppose that the Waikatos are wrong and the Governor right. No; I consider that he is wrong. The faults that I have seen are—1st, I said to him, Leave these years to me, do not go to

Tataraimaka; leave me to talk to the Ngatiruanui; do not persist, that tribe is still hostile. It was Governor Browne who taught them. That hot-tempered Governor said that all the land over which he had trod should be his, *i.e.* Waitara. The Taranakis then said with regard to Tataraimaka, Very good; and we also will hold the land over which our feet have trod. Governor Grey, however, did not agree to my proposal. 2nd, The Governor persisting in Mr. Gorst staying as a magistrate in the midst of the Maoris. I said to Mr. Gorst, Go back, the Maoris do not want you. But the Governor still persisted in sending Mr. Gorst. Now it appears that it was for the purpose of provoking a war that he persisted. 3rd, The taking up of the post at Maungatawhiri. 4th, The unwarrantable conduct of the soldiers in driving the Maoris off their own land at Pokeno. 5th, The 'ma-te' (defeat or) death of the Waikatos you have heard and know. The law discriminates in cases of crime and does not include the many. These are the wrongs that I have seen. Father, listen. I have consented to attack the whole of the town. If they prove the strongest well and good. If the Maoris prove the strongest this is how it will be—the unarmed people will not be left. Enough,—you hear what I say.

“From your son,

“WIREMU TAMIHANA TE WAHAROA.”

The Governor transmitted this warning to the Duke of Newcastle, who was “shocked and disappointed” by it. Had he been sufficiently shocked at the crime of his own countrymen at Waitara he would not have needed to blush for Te Waharoa. Archdeacon Browne explained that the threat of sparing neither unarmed people nor property was not to be taken literally, and Te Waharoa's subsequent career justified the explanation. The officer in command at Wanganui forwarded letters to show that on the 17th July the Waikato had provided for simultaneous attacks on Taranaki and Te Kahakaha, and that onslaughts on Wellington and Napier had been ordered. Rumour was multiplied upon rumour. Under these dangers the inhabitants at Auckland bestirred themselves to the Governor's satisfaction. On the 1st August he reported that about 3000 were under arms and in active service.

The Government promptly removed all doubt whether they intended to respect the treaty of Waitangi. The 'Gazette' of the 5th August promulgated conditions on which land in the Waikato country, never purchased under the provisions of the

treaty, would be granted to volunteer militia, and military settlements would be formed on confiscated land. The Attorney-General, Whitaker,<sup>1</sup> who had been Richmond's partner in seizing the small Waitara block, could now gloat with satisfaction on the prospect of confiscating a whole territory with the help of Sir George Grey; and thus, in Mr. Richmond's phrase, accelerating the extinction of the native title. The Governor justified his conduct as necessary to convince other tribes that they could not escape that punishment which their love of their land would make them feel. It was reserved for a Secretary of State, Mr. Cardwell, to recommend the far more just and effective alternative of cession rather than confiscation. It ought to have been clear to any honest man that joint tribal rights could not be forfeited by the act of a few, or even of many. But plunder was required. There were gathered in the Middle Island thousands of gold-miners, a restless and unsettled class. Many of them, the Ministers thought, "were tired of the digger's life, and only required inducement of liberal terms to settle in the Northern Island." Thus an eager band of fighting men might be found. The Maori love of ancestral homes and the earth-hunger of a Teutonic horde might be fastened intensely on the same spot. The wild animal of the forest and the European trained hound might quarrel over the same bone. *Væ victis!* Scrambling for the "damned earth, the common whore of mankind, that puts odds among the rout of nations," the Pakeha already outnumbered the Maori, and the end was certain. Forty thousand men, presumably fit to fight, had poured into Otago from England and Australia in two years. From them what an army might be made! The Maori would vainly strive to put 1000 men into the field. To people the Waikato district the Ministry proposed to raise in Australia and Otago 5000 men fit for the work of settling upon and holding the confiscated lands. After thus seizing upon Waikato, a similar plan would be adopted at Taranaki. Their advice was dated on the 31st July, and on the 3rd August the

<sup>1</sup> Mr. Gillies, the first Attorney in the Domett Ministry, was succeeded by Mr. Sewell after a few days. Sewell held office from August, 1863, to the end of the year, and then Whitaker, not in the Cabinet, became Attorney-General.

Governor promulgated regulations under which land in the Waikato district would be granted to volunteer militia settlers. In graduated scale, lands were granted according to rank; a private having 50 acres of farm, and one allotment of town land. Each settlement was to comprise 100 town and 100 farm allotments. There were stipulations for continuous service for three years, after which ordinary militia service was to be exacted from the new corps. Separate regulations invited military and naval settlers, and settlers generally. Agents were to be sent to Australia to enrol volunteers under agreement. Meanwhile some colonists were not content to rely wholly on the Government. On the publication of the Duke of Newcastle's despatch, which caused so much discussion between the Governor and his advisers, a public meeting was held at Christchurch in August, 1863, to consider the state of the Northern Island. Mr. Fitzgerald moved a resolution in favour of an immediate meeting of the General Assembly. Mr. Weld, confessing the difficulty of speaking after a man who had "earned by common consent the title of the orator of New Zealand," moved an amendment. He denounced Governor Fitzroy for having almost fraternized with the red-handed murderers of the Wairau, and for incompetency at Kororarika. He had no praise for Sir George Grey except for the "establishment of native assessors." Under Colonel Wynyard he declared that the "degradation of the Government went still lower." Colonel Browne was the "first Governor who ever took the stand which should have been taken from the beginning." Loud cheers greeted this melancholy mistake, and the speaker proceeded to denounce Te Rangitake in the popular manner. "Led by a man like General Cameron," the troops, volunteers, and militia, would "never be foiled." He advocated confiscation of lands of insurgents. His amendments were approved, and it was resolved: "That regard being had to the failure of the recent temporizing policy . . . the urgency of the present crisis in the Northern Island will warrant the Government, pending the meeting of the General Assembly as may be necessary, to ensure a speedy and decisive termination of the native war, and obtain material guarantees for the future maintenance of order amongst the insurgent tribes." The material guarantees were to be found in confiscation of land, but Mr. Weld

disclaimed such sweeping seizures as would render the chiefs utterly landless. Mr. E. J. Wakefield, who had left the colony during Fitzroy's Government, was at the Christchurch meeting, and as might have been expected urged the "absolute extinction of the native rebellion." Not finding his views sufficiently promulgated he printed a pamphlet which could scarcely receive less attention than it deserved.

While the English were invading, and preparing for confiscation of, the land of the Maoris, the latter were not idle. The tocsin sent to the tribes was an ancient war-song; the same with which the Waikato chiefs had urged the Taranaki natives to action.

"Red plume, red plume,  
Plume of the kaka!  
Rehearse it a Kawhia.  
Cartridge, one, three, four, O Matamata!  
Lay hold, and bring the strong  
Eight-stranded cord  
That cannot be unfastened.  
Grasp firm your weapons!  
Strike! Fire!"

Transmitting it to England on the 31st August, the Governor said there was proof that it had been widely circulated from Wellington northwards throughout the tribes. With it a letter urged them, now that "The law of God was completed and the law of man to be done, to clear out their yard and the Waikatos would clear out theirs (*i. e.* you clear off the Pakehas from your part, and we will clear them from ours").

At Waikanae and at Otaki, Dr. Featherston, Superintendent of the province of Wellington, met the Maoris at their request. He was notable for having opposed in the Assembly the grasping policy of Mr. C. W. Richmond at Waitara, and could claim to be heard as a well-wisher to the natives. He dissuaded them from making common cause with Rewi, whom he accused of instigating the Tataraimaka murders. They admitted having received a letter from the Maori king urging them to take up arms. They condemned the Tataraimaka murders, but would not repudiate their king. If the militia were kept away from their districts there would be no disturbance. But they looked with suspicion on the Governor's movements as a prelude to

confiscation of lands. Let troops be kept away. They thanked Dr. Featherston for his visit, and some of them supplied him with reports of their speeches. Heremia said: "If the Governor attacks our king, we shall be evil; don't say this is a murder."

The Duke of Newcastle's response to the application for more soldiers was anxiously looked for. Meanwhile the local forces were industriously organized. In October Auckland was deemed safe. Trees near the great military road were cut down. The available local forces exceeded 3000. At Wellington and Wairarapa there were 777 militia and 419 volunteers. At Hawke's Bay, under Major Whitmore, commander of the local forces in the province, there were 600 militia, 71 rifle volunteers, 79 cavalry. At Taranaki the whole male population was armed: 605 militia, 214 volunteers. At Wanganui, of a total force of 552, 321 were rifle volunteers. The total in the Northern Island consisted of 9629 armed militia and volunteers, including 375 men of the Colonial Defence Force. The flotilla consisted of the 'Avon' on the Waikato, the 'Pioneer' in Manukau, and the 'Sandfly' on the Thames. Two smaller steamers were being built in Sydney. Mr. Russell, the Minister for Colonial Defence, was warmly commended by the Governor for his services. Desultory warfare continued in August and September. General Cameron reported (15th August) that the Maoris were collecting in considerable force at Mēre-mēre on the right bank of the Waikato river. Farm-houses were attacked between Auckland and Maungatawhiri, where the Hunua forest afforded shelter for the prowling Maoris. Waata Kukutai and Wiremu te Wheoro were found most valuable allies to the General. On the 25th August, 25 men of the 40th regiment were engaged in cutting down trees on the Great South Road. Their arms were piled by the road-side under charge of a sentry. Suddenly Maoris dashed to the arms, seized them and commenced firing at the soldiers. A convoy was approaching under Captain Cook of the 40th regiment, and its advance-guard immediately engaged the marauders. As the main body arrived and other help was sent from posts along the road, the Maoris, after more than an hour's skirmishing, were lost in the woods. Two soldiers had been shot before relief arrived; only one was wounded afterwards. The enemy secured the arms they had



seized, but they left one of their number dead. On the 7th September, the volunteers desecrated a native burial-ground at Papakura. Bodies which had been buried long before the war were exhumed for contumely, and graves were rifled in search of green-stone relics.<sup>1</sup> On the 8th September, Maoris surrounded the Razorback stockade in the Hunua forest, and skirmishing ensued. On the 7th, they surprised a pah at Cameron Town, and captured stores awaiting transport to Te Ia. Captain Swift with 50 men started in pursuit, and General Cameron sent 150 under Colonel Murray to support him. After marching some miles Captain Swift's party heard Maoris talking in the bush, and prepared an ambushade for them by extending on both sides of the track. As the Maoris did not move, bayonets were fixed and the soldiers advanced. At a turn in the track they were met by a volley in which Captain Swift fell. Lieutenant Butler asked the wounded officer if he should charge. He said, yes; and in the charge Lieutenant Butler fell, wounded. Colour-Sergeant McKenna took charge, and firing was kept up for an hour. Three English were killed and five wounded before the sergeant made good his retreat into the bush, where the men lay concealed during the night. In the morning as they made their way back they met Colonel Murray and his men. Captain Swift had died in the evening. Sergeant McKenna's coolness and courage were duly commended by the General. Mr. Armistage, the resident magistrate, who had expelled Maoris from their homes in July, was killed, with four others, on the 7th September, while transporting supplies. On the 14th the Pukekohe stockade was attacked. Aid was sent from other posts, and the Maoris were driven off; but two English were killed and five severely wounded. In all these cases the numbers of the Maoris were unknown. At Pukekohe they left six dead on the field. The Maori leaders were evidently adapting their warfare to the peculiar qualities of their countrymen, and the nature of their weapons. To dart like a bat from the

<sup>1</sup> "The act is a disgrace to our cause . . . if it be not publicly censured by the authorities the Government of New Zealand will be irretrievably disgraced. If the natives had thus desecrated one of our burial-grounds! The bodies were not even the bodies of enemies" (MS. by Swainson, the first Attorney-General).

darkness on the unprepared, and disappear as suddenly, suited them better than to gather hundreds to defend a fortified position. The fighting was not confined to the Auckland district. At Taranaki, in September and October, there were numerous skirmishes. On the 2nd October the Maoris attacked the Poutoko Redoubt, a few miles south of Taranaki. Colonel Warre reported that they were in great strength, but were driven back gallantly by the soldiers and volunteers, 300 in number. Nine English were wounded. One action took place of which the importance was hardly known at the time. Major Lyon commanded at the Galloway Redoubt at the Wairoa river, which runs into the Tamaki Strait, about 20 miles from Auckland, and was therefore in the General's rear. The Maoris opened fire upon the stockade on the 15th September with slight effect. An attack upon a Maori settlement was made on the 17th. Across the stream at early dawn a detachment of the 18th Regiment poured concentrated fire upon the *whārēs*. They did not know that within them was a band of Maoris, who had come to join the fighting; and who, under the volleys poured upon the huts, fell like sheep. The troops, unable to cross the stream, withdrew, unconscious of what they had done. Major Lyon, who made a circuit by a bridge, found the settlement deserted. "The whares," he said, "were riddled with shot, blood in profusion both inside and out. They were unmistakably taken by surprise." In after years a Maori who was present told how extensive was the slaughter unwittingly inflicted by the 18th, who exercised themselves in firing at the huts without knowing how they were occupied. As the wounded and dead were carried away before Major Lyon reached the spot, Otau, he also was ignorant of the severity of the blow inflicted.

Mr. Fox, in his 'War in New Zealand,' censured the Governor and the General for not promptly following up the Koheroa success. From July to October no forward movement was made. But men were being enrolled in Australia. Mr. Gorst went to Sydney with Mr. Dillon Bell, the Native Minister, to assist in raising the Waikato regiments; and troops were expected from India. It was not until October that the Governor's measures received approval either from the Secretary

of State or from the New Zealand Assembly. The request for troops was complied with in England. Sikhs were not shipped, but two European regiments were ordered from India. The Duke of Newcastle was loth to acknowledge that he had sanctioned an injustice at Waitara in 1860, and elaborately contended that no wrong was intended or done to Te Rangitake by employment of the military to enforce the survey. Yet he admitted that the new facts brought to light by Grey were strange, and thought (as Dillon Bell had said) that if Colonel Browne and his Ministers had known those facts they would not have made the purchase, which in the Duke's opinion would then have been unjustifiable. He did not blame Sir George Grey for the delay in abandoning the purchase, though it would have been better if its abandonment had been simultaneous with the reoccupation of Tataraimaka. He thought the Governor right in not shrinking from the abandonment of the block after the massacre at Tataraimaka. He accepted the present revelations as confirming the doubts he expressed in November, 1860, as to the propriety of forcibly setting aside Te Rangitake's claims. He did not recall the fact that in spite of his doubts he told Colonel Browne, in the same despatch, that the chief's disloyal conduct had left no alternative but an appeal to arms. On the whole, he seemed more ready to upbraid Governor Grey for doing right than Governor Browne for doing wrong. Sir George Grey communicated the despatch to his advisers, who (it was alleged by inadvertence) printed it, without consulting him, and gave copies to members of the Assembly then in session (October, 1863). He sent to England a careful memorandum in support of his views, citing numerous Maori letters. "I regret," he added, "that several misunderstandings connected with the whole of this subject have arisen from the difficulty of the natives making themselves thoroughly understood by foreign authorities, from the figurative nature of their language, from the few persons who understand it well, and from the consequent misinterpretations, omissions, or misprints, which from time to time take place in even the most important documents. I am well aware how great a difficulty and disadvantage your Grace must labour under from this cause alone."<sup>1</sup> It was not likely

<sup>1</sup> As an instance he quoted a document, printed for the General Assembly

that the enemies of Te Rangitake would be slow to avail themselves of the Duke's despatch, and in the course of the session there was a passage of arms between them and the Governor. The General Assembly met on the 19th October, 1863. The Governor told them that from England and from the Australian colonies prompt aid had been promised and given. The admirable manner in which the colonial forces had encountered danger and hardship was duly commented on; and the Assembly was recommended to accept the responsibility for native affairs placed upon it by Her Majesty's decision. This recommendation the Representatives ambiguously "received with an anxious desire to settle the question on a satisfactory basis."

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and sent to England, in which the natives were made to speak of their desire "to retain possession of the *law* handed down to them from their ancestors and father." On referring to the Maori original Sir George Grey found that the word "*land*," not "*law*," had been used.

## CHAPTER XII.

## STATE OF THE MAORIS.

THE early history of New Zealand is a story of the relations between the Maoris and the English. They form the current which carried with it the hopes and the fears of the visitors, the suspicions and resentment of the tribes. A faithful narrative, in order to depict the fortunes of the colony, must busy itself mainly with the administration of native affairs. On the eve of the struggle—provoked so often and so long by the cupidity of a section of the English, and courted by the wilder and more savage among the Maoris—it is good to ascertain the relative forces which could be brought into the field. Though the Maoris were outnumbered by the invaders of their soil they claim first notice. In 1858 they were estimated at 56,049, of whom 31,667 were males and 24,303 were females. In the North Island there were nearly 30,000 males and nearly 23,000 females. The total Maori population in the Middle Island was 2283, in Stewart's Island and Ruapuke 200, at the Chatham Islands 510. In 1864 the number was known to be much diminished. Dr. Thomson, the historian of 1859, had after careful inquiry on the spot added his mournful testimony to the rapid decrease of the Maoris. Inattention to the sick; infanticide; sterility; new habits; new diseases; intermarriage with relations—were the causes he assigned. All but the first and second had fallen upon the race after their intercourse with the Europeans. Four thousand were victims to the outbreak of measles in the North Island in 1854. The musket was supposed to have destroyed 20,000 lives in tribal wars. After contact with Europeans a practice of steeping decaying grain, and making it apparently fit for food, was believed by many persons to have been fatal to thousands. Dr. Thomson

attributed the decay of the race principally to marriage of blood-connections. Yet about a score of generations after colonizing the islands with 1000 souls, the Maoris had multiplied to more than 100,000, and it was after intrusion of foreigners that in twenty years they declined from that number to less than 60,000. Mr. Maning assigns a more potent cause for a decrease so sudden as to outrun all possible rate attainable by reason of intermarriage of blood-connections. He observed that a second plague followed the use of the musket, and swept away more victims than the first. The ancient weapons were powerless against the inmates of pahs built on precipitous hill-tops; and in selecting safe situations, the Maoris had chosen healthy ones. Day and night free air coursed over habitations placed beyond reach of exhalations from marshes. Troops of the dwellers therein descended to their cultivation fields, with club or spear in one hand, and an agricultural implement in the other. The women followed. In the evening the women led the way home, and the men kept that which was the post of danger in case of attack.

When the crops were growing the tribe or hapu would often wander to some fortified elevation near a river or sea, and obtain variety of food by fishing. Their growing crops were deemed safe even from enemies. When the musket became the principal weapon a change came over the scene. To avoid the toil and loss of time incurred in the long procession from hill-top to field, and the carrying of fuel, provisions and water, the Maoris, relying on their new weapon, transferred their "whares" or abodes from the airy eminence to the damp fields below. They built their oven-like houses in mere swamps, spongy even in summer-time. With rushes rotting underneath them; in low dens, heated like ovens at night and dripping with damp in the day, drinking noxious exhalations in unventilated artificial caves, they were cut off in thousands. They would take no advice. They could not see the devouring enemy, and would not believe Europeans who warned them.

"Twenty years ago, a hapu, in number just forty persons, removed their 'kainga' (village or head-quarters) from a dry healthy position to the edge of a 'raupo' (bulrush) swamp. I happened to be at the place a short time after the removal, and with me there was a medical gentleman who was travelling

through the country. In creeping into one of the houses, the chiefs, through the low door, I was obliged to put both my hands to the ground; they both sank into the swampy soil, making holes which immediately filled with water. The chief and his family were lying on the ground on rushes, and a fire was burning, which made the little den, not in the highest place more than five feet high, feel like an oven. I called the attention of my friend to the state of this place called a 'house.' He merely said, '*Men* cannot live here.' Eight years from that day the whole hapu were extinct, but, as I remember, two persons were shot for bewitching them and causing their deaths."<sup>1</sup> The drinking of ardent spirits, the bane of European countries, claimed its victims. The king-maker and his friends endeavoured to bar the poison from their territories, but the dissolute and debauched evaded the prohibition. Europeans did not always assist Waharoa's efforts. Bishop Selwyn confessed the shame with which he sometimes saw the demoralizing effect of remitting the chivalrous chief to scenes and company likely to lead to his ruin. It was not possible that an imaginative and thoughtful race should see these things without despair. It was natural that a daring race should say—"Rather let us die in battle for our country than pine away, the slaves of the Pakeha." Proud also and boastful,—admitted by speakers in the Assembly to have been undefeated if not successful in the Taranaki war—they might in some cases be fooled by the idea that they could drive the Pakeha into the sea, in spite of their having only fowling-pieces or muskets to oppose to rifles, rockets, Armstrong guns, and powerful mortars, and of ammunition being difficult to procure for the weapons they possessed. The superstition which doomed sorcerers to destruction because the dwellers in a marsh had died, was prompted to some deed of daring before the swarms of immigrating Englishmen might make all daring vain. But the English were already swarming. The early massacre at Wairau and the failure of the company's schemes had arrested immigration in old time; but it had been resumed. It is difficult even for misgovernment to arrest the material advancement of a young community. The resolution of the individual Englishman, who, though he grumbles with or

<sup>1</sup> 'Old New Zealand.'



without cause, yet works to make himself a home, had conquered natural obstacles; and farms, agricultural and pastoral, had been pushed by slow degrees farther and farther from the several provincial capitals. Taranaki was an exception. In a memorial (April, 1863) the settlers bitterly complained that after 1844 no more than 70,000 acres had been secured by purchase. Even from these they had been driven; and the settlement was, in the Assembly and elsewhere, spoken of as for the time destroyed. But at the Middle Island the tide of immigration had been such that in 1863 more English stood on Maori land than there had ever been Maoris. On the 31st December, 1860, the whites were estimated at 83,919 in the islands. In December, 1861, they were deemed to be 99,021. In December, 1862, there were 125,812. In December, 1863, there were 164,048. And still the yellow slave of commerce drew shoals of gold-seekers to Otago.

In June, 1861, after various minor discoveries, the first redundant gold-field had been found by one Gabriel Read at Tuapeka. The first escort from "Gabriel's Gulley," as the thronging miners christened the place, took away 5056 ounces of gold. Not only from the Northern Island and other parts of New Zealand crowds rushed to the spot. The Australian colonies caught the infection; the restless element at the populous gold-fields in Victoria cast itself loose from a soil to which it had never intended to attach itself, and exhausted all available means of procuring conveyance to Otago. For a short time it seemed that the adventurers had been drawn thither by a will-o'-the-wisp. They were too numerous for the known gold-bearing situations. The weather was colder than any they had encountered in Australia. A panic disturbed them and they began to fly. The Superintendent of the province issued a proclamation in September, 1861, warning intending miners not to make matters worse by rash immigration. In midwinter (July) there had been a retreat so rapid that only 7000 persons were supposed to be left at the mines. More than 16,000 returned to Australia. At the end of that month two men produced, in Dunedin, 1047 ounces of gold, and offered to divulge the spot where they had found this treasure if the Government would guarantee them a reward of £2000 if within three months 16,000 ounces should be brought down by the

escort. The bargain was made; and the Dunstan Gold Fields on the Clutha river were no sooner made known than the vagrant crowd returned. Before the end of the year 70,000 ounces of gold were obtained from the neighbourhood of the Clutha river. More fields were found at the valley of the Cardrona, and in the gorges of the Arrow river. At the Shot-over river some miners were found at work by a Maori, Haeroa, and a half-caste, natives of the North Island. On the west bank of the river was a point which the miners yearned to examine; but they shrunk from the foaming torrent between. The Maoris plunged in and reached the coveted shore. A dog which attempted to follow them was swept to a rocky point below. One of them went to assist the dog, and observed gold in the crevices of the rocks. Before nightfall the two swimmers had scraped together 300 ounces of gold. The small province of Southland, under influences which had magnified Otago, increased its population from 1876 in 1861, to 8085 in 1864. In the Middle Island, which thus opened its maw to receive the coming thousands, there was no risk of Maori attacks. Never in that island, except at the Wairau in 1843, had there been collision between the two races; and the Maori champions then were Rauparaha and Rangihaeata, whose ordinary residences were in the North Island. The fertile plains of which the New Zealand Company had endeavoured to rob them with the policeman's staff was now the rich possession of a new province—Marlborough—carved in 1859 out of the original province of Nelson. The population of Marlborough had risen from 2299 in 1861, to 5519 in 1864. At Nelson, after the loss of Marlborough, the Europeans had increased from 9952 in 1861, to 11,910 in 1864. In Canterbury progress had been steady. The population had risen from 8967 in 1858, to 32,276 in 1864. At Wellington in the same period it had advanced from 11,753 to 14,987. Hawke's Bay in the same time had grown from 1514 to 3770. About 4000 Europeans were cooped up in Taranaki. Auckland, the capital, had steadily advanced. Though not so populous as the gold-producing Otago, its numbers had increased from 24,420 in 1861, to 42,132 in 1864. Everywhere except at Taranaki enclosures and agriculture had rapidly increased. The total of acres enclosed was 409,763 in

1861, and in 1864 it was 1,072,383. Including sown grasses the acres under crop had been 226,219 in 1861; they were 382,655 in 1864. But all this progress availed the war-party nothing, so long as the Maori sat in his king's gate. Yet the decay of the Maoris might have satisfied their enemies. There were not 50,000 of them, while the Europeans were more than three times as many. But nearly all the Maoris were in the North Island, in which they formed nearly two-fifths of the whole population. Many tribes were friendly, but it was not known how many would join the standard of the Maori king. That there would be, as in fact there were, large numbers of the natives fighting on the side of the English might be hoped, but could not be predicted with certainty. The causes which had so rapidly created a numerical preponderance of Europeans in the islands involved momentous financial considerations. Armies must be paid for, and wages had risen. Any highly-paid occupation absorbs labour to itself, and employers in danger of being deserted have to compete in price with temptations offered elsewhere. This maxim, true everywhere, is strained to the extremest verge when the glittering bait of gold, for mere grubbing, is the distracting magnet. The greed of the gambler is associated with honourable toil, and the measure of wages is unsettled by the quality of hope. The man who of all men in New Zealand had the most subtle brain for comprehending problems in political economy at this time passed away. The mover of so many puppets in his prime, he had become, like Swift, capable only of wondering at his former achievements. Secluded in ill-health, Gibbon Wakefield, long absent from the scenes of his activity, died at Wellington in 1862.

The Ministry, in a careful document, laid before Sir George Grey at Taranaki, in May, 1863, had urged that the pay of the militia there (2s. 6d. a day with rations) was not too high, because "the ordinary wages of labour of the simplest kind, such as working on roads, was 8s. a day at that time at Nelson and Canterbury." Under such circumstances the cost of an army was an apparition which might well disturb even a bold financier. Already two Waikato regiments had been raised in Australia. A third was in course of formation. Before the meeting of the Assembly the Ministers drew up a

voluminous description of their plans (5th October, 1863). Roads were to be made. The road from Auckland to Taupo was to pass through the heart of Waikato. About 1000 miles of roadways were proposed. The war was to be the last. "No opportunity of renewing it with any chance of success must be left." Twenty thousand men would be required. Half of them would be wanted "from Waikato Mouth and Raglan to Tauranga and Thames." The rest were to be located in bands of 1000 or 2000 at Taranaki and elsewhere. Two thousand were to go to Wanganui, where Dr. Featherston had been adjured by the chiefs to let no soldiers appear. They were to be imported to work on the roads, but to be armed with Enfield rifles. They would cost the country about £1,500,000 if they worked for nine months in the year on the roads. They would cost somewhat less if paid as militia. The scheme, with sundry accompaniments, would cost about £4,000,000. The money ought not to be raised by immediate taxation. It must be borrowed. Confiscated lands would be sufficient security. It was an ancient Maori custom for a chief to gloat over conquest of lands. The Romans gave away territories beforehand.

That there was a treaty of Waitangi in existence was a parchment bug-bear. The recollection of it had faded. It was not wanted to interfere, like Banquo's ghost, with the feast. There were, in the Waikato and Thames district, 2,292,000 acres; at Taranaki, 500,000 acres, = 2,792,000 acres. Let them be seized. Let the natives, if any be left at Waikato after the war, have 500,000 acres of their own lands. One hundred thousand acres would suffice for the Taranaki Maoris. Military settlers would have 500,000 at Waikato, and 200,000 at Taranaki. There would remain 1,492,000 acres to be sold, and they would realize more than £2,000,000. Increasing revenue would yield profits in the long run, even without taking into account the influx of prosperity attendant on expenditure of so many millions sterling. They hoped for a guarantee from the Imperial Government for, at least, £3,800,000 out of the £4,000,000. "It may be objected that these plans are based solely on the idea of force; and it is true that physical power is the main element of the conception." But the Ministry could only rear moral sway on a basis of physical power. "The axe and the fire are wanted,"

they said, "before the plough and the seed-corn." Mr. Domett signed the paper on behalf of his colleagues. It was laid on the table of the House. It must have intensified the hostility of the Maoris. It may have been one of the early causes of a general feeling which by degrees spread amongst Her Majesty's regular forces, that the war was sought, not as a necessary act of justice, but as a means of spoliation, and a stimulant of the expenditure which enriches traders. Debt never had horrors for the colonists. Under Mr. Stafford, in 1856 and 1860, the Assembly had raised £650,000; under Mr. Domett, in 1862, £500,000 more. The Provincial Governments had raised for various purposes no less than £2,454,239. Mr. Domett and his colleagues hoped, in 1863, to drown the new debt by spoliation; for they valued the land of which they intended to rob the Maoris at little less than the proposed loan. The Representatives lost no time in devoting themselves to the amendment of the Colonial Defence Force Act of 1862. They postponed their acceptance of responsibility for native affairs.

Several fresh members were added to the Council. Among them was Major G. S. Whitmore. When the Council met there was no representative of the Government in it. Mr. Swainson, the Attorney-General of former days, called attention to the fact by moving (22nd October), "That this Council do not proceed to any business of serious importance until there be a representative of the Government in the Council, and that it do now adjourn." Subsequently, a member informed the Council that in consequence of pending changes in the Ministry, no representative of the Government had been appointed in the Council, but that, as soon as changes had been completed, no time would be lost in making an appointment. Mr. Swainson was not silenced by this promise. He gave notice of a motion, casting grave censure on the Government for neglecting to secure the presence of one of their number in the Council. On the 29th, the Council was informed that the Ministry had resigned. Mr. Swainson withdrew his motion; and on the 2nd November, Mr. Whitaker announced that Mr. Fox had formed a Ministry, of which Mr. Whitaker was Premier and Attorney-General, representing the Government in the Council. An old colleague of Mr. C. W. Richmond, and a traitor to the treaty of Waitangi, he had found

convenient colleagues. Mr. Reader Wood as Treasurer, and Mr. Thomas Russell as Minister of Defence, retained their offices in the new Ministry, which was considered a war Ministry, and by its conduct justified the belief.

An Act was passed to enable Provincial Legislatures to pass laws authorizing the compulsory taking of land for works of a public nature. This was a repetition of the scheme arrested in 1862 by the warning of Mr. Fenton, the reference to England, and the exceptional prudence of the Duke of Newcastle. Mr. Whitaker called no special attention to it. It was to remove doubts which had been suggested. Mr. Cardwell saw the contemplated injustice, and declined to advise allowance of the Bill unless native lands were excepted from its operation.<sup>1</sup> A Bill was passed by the Representatives to raise £3,000,000 sterling by loan, for the vigorous prosecution of the war. Mr. Fox took charge of the Colonial Defence Bill introduced by Mr. Domett, and on the 5th November carried the second reading of a Suppression of Rebellion Bill by the large majority of 26 against 10. Amongst the minority was the name of a new adventurer in New Zealand politics. Mr. Julius Vogel, having kept a small shop at a rural township in Australia, had taken flight with the migration to Otago. Having talent for intrigue, and sufficient literary ability for the local press, he obtained a position in the Provincial Government, and was elected to the Assembly for the district of Dunedin and suburbs north. Those who saw him enter the House would probably have repelled with scorn the idea that he would afterwards become their leader. Mr. Weld was not present at the commencement of the session, but took an early opportunity to protest against the Suppression of Rebellion Bill as "quite unnecessary and unconstitutional." It was a singular spectacle. The admirer of Mr. C. W. Richmond, the supporter of the rape of the Waitara, was compelled to denounce the injustice and harshness of Mr. Fox, by whom that rape had been opposed. Mr. Whitaker shone with baleful but consistent lustre. In 1860, as in 1863, he was Minister, and urged on each occasion the measures which were alternately shrunk from by Mr. Fox and Mr. Weld.

After amendment by the Legislative Council, the Suppression

<sup>1</sup> P. P. Despatch; 26th May, 1864. Vol. xli. 1864.

of Rebellion Bill was passed. The same fate attended a Defence Bill. The Defence Bill of the former year had elicited an opinion from the law officers (Sir W. Atherton and Sir Roundell Palmer) in England as to the powers of the Legislative Council. They were "of opinion, that if in a Bill introduced into the House of Representatives and passed through that House, a certain tax or duty has been imposed upon a Crown grant, or an instrument in the nature of a Crown grant, it is competent to the Legislative Council, without any breach of the privileges of the House of Representatives, to make the efficacy for any given purpose of another class of instruments, intended to affect native lands under the provision of the same Bill, dependent upon their assuming the form of Crown grants, or of those instruments in the nature of Crown grants, on which the tax or duty has been so imposed by the House of Representatives." They said it was never supposed in England that the privilege of the Commons as to originating taxation was attended with such a consequence as that the Commons could, by imposing a tax or duty on an instrument, exclude the other House from the power of originating or amending Bills relating to such instruments. But the suppositions known to jurists are not those of clutchers at unconstitutional control; and elsewhere as well as in New Zealand, members of parliament have contended, not for what custom or law could justify, but for all that could by argument or intimidation be extorted.

The Suppression of Rebellion Bill might have seemed sufficient violation of justice for one session. The Governor in Council, with Whitaker and Fox, might issue orders for the arrest of all "suspected" persons, and try them by court-martial. Death or penal servitude gleamed ominously amid the words of the Act. Nothing done under it was to be questionable in the Supreme Court, and to prevent the law so dear to Englishmen from being recurred to by a Maori, it was to be sufficient for the Governor to declare that anything done had been done in accordance with the Orders made under the Act. The bulwark of the Habeas Corpus statute was destroyed by a clause declaring that a writ under it should be satisfactorily met by a return that the body sought was held under the local Act. Indemnity was given for all unlawful things already done,



The reader who gasps for freedom is doubtfully consoled only by the clause which limited the duration of the disgraceful Act to the end of the next session of the Assembly. But something more than the taking of life has been shown to be at the bottom of Maori troubles. As at Taranaki, so at Waikato, Mr. Whitaker's mind was bent upon acquiring land. The land for which the settler lusted, the land to which the Maoris clung, was to be acquired, not by troublesome bargains, but by confiscation. For this purpose "The New Zealand Settlements Bill, 1863," was introduced. Its preamble declared that, for prevention of rebellion, and to maintain "law and order throughout the colony," settlers must be procured "able to protect themselves and preserve the peace of the country." To obtain land for them the Governor in Council might declare any district in which "any native tribe, or section of a tribe (after 1st January, 1863), or any considerable number thereof, had been engaged in rebellion," a district within the provisions of the Act. Within such district the Governor in Council might from time to time seize upon lands for settlement. Compensation might be awarded to owners, excepting such as had levied war after 1st January, 1863, or those who had comforted such warring owners, or "counselled, advised, induced, enticed, persuaded, or conspired with any person" to levy war, or who had been "concerned in any outrage against person or property," or who, after proclamation in the Government Gazette, failed to surrender their arms. As suspected owners might be hanged under the Suppression of Rebellion Act, the compensation provided by the Settlements Act could be kept down to a low rate; but the astute Whitaker devised a mode of defeating the operation of the compensation clause. It was provided that no claim should be entertained unless preferred in writing to the Colonial Secretary within six months (if the claimant were residing in the colony) after proclamation of his land by the Governor under the Act. Under restrictions which all men knew to be destructive of the principle of compensation, the proud Maori might obtain such compensation as the robbers of his country might choose to award him through new Compensation Courts. The Governor in Council was to appoint the Judges of the Compensation Court, and in flagrant violation of principles which had become part of the life of Eng-

land, it was enacted that he should also have power at any time to remove any Judge. Thus an upright Judge could be got rid of, if his decisions should thwart the wills of Whitaker and Fox.

The New Zealand Settlements Act was a fit complement to that for suppression of rebellion. Robbery was to be sanctioned by law. It devolved upon Mr. Whitaker to prepare an official defence of the prostitution of the power of a Government for the purpose of pillage. In a paper to be submitted to an English Secretary of State, he said, that as, for the most part, Maoris possessed "little personal property," the "permanent loss of their landed possessions" was that which they would feel the most. Of love of country his black-letter intelligence took no heed. Comment cannot heighten the criminality of his advice. The following sentences gibbet their writer: "It will be observed that the provisions of the Act may be made to include lands belonging to persons who have not justly forfeited their rights by rebellion. In order to carry out the scheme this is absolutely necessary. . . . The New Zealand native tenure of land is, for the most part, in fact with little or no exception, tribal; and if the principle were admitted that the loyalty or neutrality of a few individuals would preserve the lands of the tribe, the Act would, for the most part, be a dead letter, and that in districts in which it is most required, and in which its operation would be perfectly just." He who runs may read in these words an absolute condemnation of that Act by which Colonel Browne, abetted by Whitaker and others, attempted to set aside in 1860, with a high hand, that tribal tenure of the existence of which Whitaker was aware, and which he was fain to plead as an excuse for wholesale robbery in 1863.

Sir George Grey did not reprobate his adviser's immorality. Professing his trust that he could infuse some spirit of equity into the administration of the Acts, he recommended their allowance. If the weak Duke of Newcastle had remained at the helm they might have been simply allowed. But the good Sir William Martin drew up a paper "on the proposal to take native lands under an Act of the Assembly," and sent it to Mr. Fox, with a request that it might be transmitted to the Secretary of State. Mr. Fox complied, and sent his own comments. He was unshaken in his resolution to abandon the sentiments he had professed in 1860. If the North Island was to be held by

the English, confiscation must take place. There was nothing unjust or "unusual in the history of national conflicts" in it, and it was "in conformity with the customs of the Maoris themselves." . . . To allow "natives, rebel or others, to retain possession of immense tracts of land, that they neither use nor allow others to use, and which maintains them in a state of isolation from the European race and its progressive civilization," was "most prejudicial to the natives," and contributed "to the rapid decay and extinction of the race." Sir George Grey, for reasons which he did not state, avoided comment on Mr. Fox's paper. He equivocally justified the invasion of the Waikato territory, which Sir W. Martin's paper seemed to condemn, but hinted that Sir W. Martin's views "would probably agree with" his own on the point. In recommending the Acts for allowance by Her Majesty, he declared his own belief that generosity in dealing with rebels had been more successful than severity in the past. It is but just to Mr. Sewell to record that, in a letter to Lord Lyttleton<sup>1</sup> (December, 1863), he animadverted severely upon the Suppression of Rebellion and the Settlements Bills. The first purported to make that law which is in itself a "violation of all law." The second had all the vices of the worst *ex post facto* legislation, and was a breach of Imperial and moral obligations.

An Assembly with an over-weening sense of its importance, was likely to resent Sir George Grey's decision to renounce as unjust the Waitara purchase which the Representatives had condoned. It had endorsed Richmond's and Governor Browne's repeated and positive assertions that Teira's title had been fully proved and found good. On the 28th October a petition from Teira and his friends was presented by Mr. Atkinson. It expressed loyalty to the Queen, and a desire that the Waitara block might be taken by the Pakehas. On the 11th November, Mr. Stafford moved for correspondence about the return of Te Rangitake to Waitara in 1848. Mr. Weld, as an admirer of Mr. C. W. Richmond, obtained on the 24th an order for other papers relating to Waitara. On the 17th November, Mr. Fitzgerald obtained leave to introduce a Bill to constitute a High Court of Inquiry on the events at Waitara. On the 25th November, the

<sup>1</sup> 'The New Zealand Native Rebellion.' Letter to Lord Lyttleton. Auckland: 1864. Printed for the Author.

storm, such as it was, broke on the Governor's head. A recent success at Rangiriri under General Cameron diminished its force. At a crisis where, if ever, united councils were needed, it was more important with some members to adhere to an old injustice than to give loyal support to the representative of the Queen. On Mr. Weld's motion it was resolved: "That this House having supported the measures taken by his Excellency the late Governor of New Zealand to repress the armed interference of Te Rangitake<sup>1</sup> at Waitara, because, as set forth in its resolution of August 6th, 1860, in the opinion of this House such measures were indispensable for the due maintenance of Her Majesty's authority, considers that the renewed and definite recognition by his Grace the Duke of Newcastle in his despatch of August 25th, 1863, of the justice of exerting military force against Te Rangitake and his allies, has happily rendered it unnecessary for this House to controvert or supplement statements made by his Excellency Sir George Grey in his despatches on the Waitara question." A second resolution declared that good faith required that Teira should be protected, and investigation made of title to the block. The Governor was requested on the 1st December to transmit the resolutions to the Secretary of State. The insolence of the first resolution did not provoke him to a rash rejoinder, and the courtesy of Mr. Weld's speech was such as to justify moderation in reply. On the 2nd December, Sir G. Grey informed the House by message that his statements had been "made advisedly, and after long consideration," and that he was satisfied of their entire accuracy. He trusted, therefore, that the House would inform him which of those statements it was prepared to controvert, and the grounds on which it did so, in order that he might have an opportunity of showing the accuracy of his statements, when transmitting to England the resolutions of the House.

On the 3rd December, Mr. Fox moved for a Select Committee to report on the Governor's message. Mr. Weld moved an amendment in which a long citation from the Duke of Newcastle's despatch was adroitly put forward as sufficient answer to the Governor. The debate was adjourned. On the 5th, Mr.

<sup>1</sup> It is convenient to state once for all, that in this work the Maori name of Te Rangitake is used in the text; though the documents quoted often call him Wiremu Kingi.

Weld was allowed to withdraw his amendment in favour of one moved by Mr. Gillies, viz.: "That this House, in supporting the measures of Governor Browne, did so on the ground that the quarrel between the Governor and Te Rangitake was clearly not as to title to land, but as to whether the course taken by him was justifiable, and the resort to arms by him and his allies in defence of that course compatible with the Queen's sovereignty. That, on the other hand, it appears to this House that the tenor of his Excellency's despatches on the Waitara question leads to the inference that the quarrel was one as to land and not as to jurisdiction and sovereignty. That this House adheres to its former opinions, and controverts the accuracy of the various statements by which it appears that his Excellency has been led to take an opposite view, and especially those statements which are referred to in the Duke of Newcastle's despatch of 25th August, 1863." In reply, the Governor transmitted copies of the statements alluded to in the despatch, and requested the House to be good enough to inform him whether they were the statements alluded to by the House; and if not, which were the statements controverted by the House, and on what grounds they controverted them.

The House read Mr. Fitzgerald's Waitara Inquiry Bill a second time on the day on which the Governor's message was received, and a third time on the following day. Mr. Fox, before the passing of the Bill, laid on the table the Governor's reply to the despatch of the Duke of Newcastle, which had furnished so rankling a subject for debate. Appended to the Governor's despatch was a memorandum, "which" (he had said) "if your Grace thinks fit to read, will, I am sure, satisfy you." It was irrefragable, both as to the wrong-headed conclusions of Colonel Browne's advisers, and the equally perverse decisions of the Duke of Newcastle.

How prone the Representatives had been in 1860 as well as in 1863 to make assertions incapable of proof was now shown by Mr. Stafford's conduct. Unable to refute Sir George Grey he was obliged to move, and the House passed without a division, a resolution (11th December): "That this House did not, by its resolutions of the 25th November last, desire to express any opinion as to the accuracy or otherwise of the three statements

specified in the enclosure to the Governor's message, inasmuch as those statements do not appear to affect the question of the justice of exerting military force against Te Rangitake and his allies; but this House does controvert the statements on the part of the natives as to the cause of the quarrel." The field of argument which could not be maintained with the Governor was abandoned, and the challenge to the natives was not likely to be accepted when they were already engaged in the bloody arbitrament of war.

Mr. Dillon Bell assailed Sir George Grey in the House. He denied that the fact of Te Rangitake's residence on the Waitara block could have been "not before known" to Sir George Grey. Mr. Bell lamely pleaded that he in 1860 thought that Te Rangitake's dwellings had been respected, and Donald McLean made a similar untrustworthy averment.<sup>1</sup> Colonel Browne was privately appealed to, and wrote to Mr. Stafford that he was aware in 1860 that Te Rangitake had a residence on the block. Such a confession was all that was required to convict him of bad faith in signing the despatch (4th December, 1860), which was framed to persuade the Secretary of State that Te Rangitake's claim was only seigniorial, and that he had put forward none other. On the charge that the discovery of Lieutenant Bates could have afforded him no information, Sir

<sup>1</sup> Concernment with the Waitara seemed to deprive public men of precaution in the floundering statements they made from time to time. McLean, who was Chief Commissioner of Land Purchase, was asked at the Bar (in August, 1860), "Has Te Rangitake ever made a claim of proprietary right?" and replied, "He has never made such a claim to my knowledge." Mr. Bell, who prepared Governor Browne's voluminous despatch on the subject, included McLean's evidence in the despatch (4th December, 1860), which asserted that Te Rangitake had "failed then and failed ever since in establishing a proprietary right" on the block (which was purchased without any reservation of dwellings, &c., though such reservations were admitted by Bell himself to have been invariable previously). When Sir W. Martin's pamphlet exposed the fact that there were two pahs on the block, Dillon Bell assisted Mr. Richmond in drawing up 'Notes' in reply. They admitted the existence of the pahs, but denied Te Rangitake's proprietary or tribal title to his home, constructed (they said) by permission of others. In April, 1863, Bell joined in a ministerial statement that it was difficult to conceive that if the facts had come out clearly at the time of the sale "the practice of reservation universally followed . . . would not have been adhered to in this particular instance." In December, 1863, Bell and McLean professed that in 1860 they believed the pahs had been respected.

George Grey informed the Secretary of State (19th December, 1863) that he had been hospitably entertained at the Waitara in 1850, but he did not know, and it would have been sad to think, that such was the site bought by Colonel Browne—to screen whom, he added, “I ought therefore to mention that though I am quite satisfied from authority I cannot doubt that, although my predecessor’s despatch (on which reliance seemed to be placed in England) was really written by Mr. Bell, he was at the time he wrote it entirely ignorant of the circumstances connected with the Waitara purchase which have recently been brought under your Grace’s notice.” In conveying (5th January, 1864) a full narrative of the transactions in Parliament, the Governor added: “When I received the closing resolutions from both Houses, and felt that the only answer I could return was, that after the most careful consideration of the subject my conviction was that the natives were in the main right in their allegations regarding the Waitara purchase, I feared if this reply was published at the present time, when a rebellion is raging, it might have produced weighty consequences as regards the native race, and might have very much embarrassed the Colonial Ministry who did not at all agree upon this subject. I therefore thought I should act best by requesting my Ministers to advise me as to the nature of the reply I should return, and in accordance with their advice I assented to their simply making a statement in each House to the effect that they had advised me that in their opinion it was not necessary for me to reply to the resolutions.” A more lame and impotent conclusion was probably never arrived at by a representative of the Queen under advice. The subterfuges and misrepresentations of McLean and Parris, the wily seductions of Whitaker and Richmond, the bold contempt of truth in Governor Browne’s prompted despatches, were pointed out by the honest examination of Lieutenant Bates, but exposure was arrested by the aversion of the General Assembly to confess the wrong it had sanctioned in 1860. It remained for a judicial inquiry in a later year (1866) to scatter finally to the winds the flimsy pretext that the title of Teira enabled him to sell to Colonel Browne the “carefully chosen” seed-plot of war. By a singular retribution that inquiry was instituted (while Mr. Stafford was Premier) with no intention to



analyze the rights of Te Rangitake, which were found irrefragable. Perverse to the last, the Ministry, by privately compounding the matter before the Court, evaded the delivery of a formal judgment ; but happily the facts became known under the hands of the Judges in official reports to the Government. As late as 1869 a further judicial inquiry (on the Rangitikei-Manawatu case) proved that even if Te Rangitake had had no tribal claims to the south of the Waitara previously, his occupation there by tribal arrangement constituted himself and his companions "owners according to Maori usage and custom." It may be admitted that until the scales of justice were applied, Colonel Browne and his advisers could not know how grossly the treaty of Waitangi was violated by his act at the Waitara. But their ignorance confers no moral relief; for the prayer of Te Waharoa, of Bishop Selwyn, of Sir W. Martin, and Archdeacon Hadfield, was that the law might be resorted to, and their prayer was roughly refused.

One of Colonel Browne's advisers had in 1863 quitted the political arena. Mr. C. W. Richmond had become a Judge of the Supreme Court. But he was unable to keep aloof from the Waitara question in which he had such bad eminence. In October he asked his old colleague, Stafford, to make known to one or both Houses his willingness to submit to any further investigation. He wrote to Sir George Grey: "I have taken this step in consequence of certain statements in your Excellency's recently-published despatch announcing your determination to relinquish the position assumed by your Excellency's predecessor in reference to the Waitara purchase." As to the new evidence elicited, and doubts whether Governor Browne knew the true facts of the case—whether indeed they had been concealed or kept back from him—Mr. Richmond said: "I see no reason to suppose that your Excellency's suspicions point particularly to myself . . . nevertheless I find that it has appeared to others as well as to myself that your Excellency's surmises may be deemed to point at or include myself, as I then held the position of Minister for Native Affairs." Therefore he courted inquiry and volunteered explanation in the colony or to the Imperial Government. He was not accused. By coming forward at such a time he seemed to accuse himself. *Prima est*

*hæc ultio, quod, se judice, nemo nocens absolvitur.*<sup>1</sup> The Governor sent the letter to England, where its receipt was simply acknowledged. To prove that Governor Browne, or Mr. C. W. Richmond, or both, had been deceived, was of little use. The wrong they had done was past recall, and no one accused them of other than official wrong-doing. The historian must inculcate them with mingled regret for the culprits and for their countrymen, and pity for their fellow-creatures whom they wronged. Resolutions carried in the Legislative Council (4th December, 1863) were similar to the resolution of the Representatives, with the exception that the Council thought it "happily unnecessary further to discuss the Waitara question," and did not speak of controverting the Governor's statements. When the Governor's last despatch on the subject was laid before the Council, an attempt was made by Mr. Swainson to express the regret of the Council that a document which might have influenced their decision was unknown to them when asked to vote on the 4th December. Mr. Whitaker opposed Mr. Swainson, whose motion was lost by 6 votes against 4. Mr. Gilfillan, who had supported Mr. Swainson, was immediately permitted, however, to quash the Waitara Inquiry Commission Bill, by shelving it in Committee for three months. Members may have seen an incongruity in inquiring about the justice of the Waitara war of 1860, while the war of 1863, its direct result, was being prosecuted with vigour. In the North Island nearly all males were enrolled. On the 5th November, it was resolved that the provisions of the Militia Act should be strictly carried out in the Middle Island, till the whole male population between the ages of sixteen and fifty-five, not exempted by law, were organized and drilled.

The ambiguous manner in which the Representatives had received the invitation to manage native affairs was removed on the 6th November. The change was brought about by military success. The Governor having received sanction from England (and in a qualified sense from the Assembly), and more than 2000 armed men having been raised in Australia under Colonel Pitt for the Waikato regiments, the General advanced towards the stronghold where the Maoris were assembled at Mē-rē-mē-rē. Skirmishing bodies were abroad, and on the 23rd an officer

<sup>1</sup> Juvenal, lib. xiii.

commanding the English outposts at Mauku (near Manukau and far in rear of General Cameron) was compelled by a large body of natives to retire with loss of an officer and five men killed. Reinforcements arrived, but the enemy escaped. Rewi and his guerillas had the reputation of instigating the numerous raids made at this period in the Hunua forest (between Auckland and the Waikato river) through which the unclothed Maori glided with an ease unattainable by encumbered soldiers. On the 29th October, General Cameron, with Commander Wiseman, reconnoitred Mere-mere. Two 40-pounder Armstrong guns had been previously landed at Whangamarino to command the landing-place at Mere-mere. That stronghold was on a low ridge which approached the Waikato river. Traversed rifle-pits occupied the descent of the ridge to the river. Swamps almost encircled the ridge, and the Whangamarino and Maramarua rivers, or creeks, were available to the east for the possible retreat always aimed at by Maoris in their plans of fortification. The swamps were more water-laden than usual. The Maori flag floated in a pah where the ridge was 130 feet high. Every slope and projection from the ridge to the swamps was traversed with rifle-pits. Growth of scrub-pine and scrub, from six to ten feet high, was interspersed with the surrounding swamps. There was a horse-track leading by a spur of the ridge towards Rangiriri about twelve miles higher up on the right bank of the Waikato river, but swamps and curving hollows with swampy bottoms made all tracks sinuous. The General and Commodore found no convenient place for the landing of troops. The Maoris fired at the steamer, the 'Pioneer.' By immense exertion they had dragged a gun from the west coast to the Waikato. The resistance to be expected from the nature of the defences led the General to proceed up the river as far as Rangiriri in search of a point at which troops might be landed to turn the enemy's position, while attention was occupied in front by the steamer and gunboats. A point six miles above Mere-mere was selected. Secretly, at half-past two o'clock on the morning of the 31st August, the 'Pioneer' and 'Avon,' with four gunboats, transported a force nearly 700 strong to the place. No opposition was made, and the troops took up what the General called a commanding position about 400 yards from the

bank of the river. He intended to take up an additional force on the following night, and a breastwork was constructed to defend the camp, which was left under command of Colonel Mould. What the General supposed the Maoris were doing while he was sending hundreds of soldiers to the north of them, his despatches do not tell. He does say that, while he was busy with his preparations, the officer in command at Whangamarino reported that the natives were escaping in canoes by the Whangamarino and Maramarua rivers. He embarked at once in the 'Pioneer,' and found that Mere-mere was abandoned.

Mr. Fox in his narrative bewails the catastrophe. "Our troops appear to have been able to do nothing except look on from a distance. . . . It was a great disappointment to everybody." Nevertheless, though the Maoris left only empty rifle-pits behind them, they seemed to have admitted their inability to cope with the troops, and Mr. Fox lost no time in moving (6th November) a resolution pledging the Representatives to accept the control of native affairs. It was far more absolute and binding than the proposition which he failed to carry in the previous year, and which led to his retirement. But he carried the stronger resolution without division. The cause of the change in the opinions of the House may be read in the terms of the resolution. Imperial troops had won colonial affection. Having considered the Duke of Newcastle's fixed determination not to control native affairs, the House recognized with the deepest gratitude the great interest always taken by the Queen in "the welfare of all races of her subjects, and the thoroughly efficient aid which Her Majesty's Imperial Government is now affording for the suppression of the rebellion unhappily existing, and the establishment of law and order in the colony. And, relying on the cordial co-operation of the Imperial Government for the future, cheerfully accepts the responsibility thus placed upon the colonists, and at the same time records its firm determination to use its best endeavours to secure a sound and lasting peace, to do justice impartially to both races of Her Majesty's subjects, and to promote the civilization and welfare of all classes of the inhabitants of these islands." The Council on the 9th November adopted similar resolutions. It must be confessed that the vain efforts which the House made soon afterwards to

strangle the truth with regard to the seizure of land at Waitara formed an unhappy commentary on these professions. The address was promptly transmitted to England and acknowledged with great pleasure by the Secretary of State. The pledge to accept responsibility was no sooner made than it was repented, and by some sought to be evaded. In many contemporary writings and speeches it was spoken of as a "fatal acquiescence."

The session did not close without a notable triumph for the war-party. The Maoris after evacuating Mere-mere occupied Rangiriri, higher up the river than their former position. The Waikare lake was there separated only by a narrow belt from the river, and numerous swamps and ana-branches facilitated the use of canoes. The Maoris had constructed their main line of entrenchment "across the isthmus which divided the river from the lake." The line had a double ditch and high parapet, and was "strengthened in the centre by a square redoubt of very formidable construction. Behind the left centre of the main line, and at right angles to it, there was an entrenched line of rifle-pits parallel to the Waikato river, and obstructing the advance of troops from that direction."<sup>1</sup> The General reconnoitred on the 18th, and resolved to land a force above the position "with a view of turning and gaining possession of a ridge 500 yards behind the main entrenchment, and thus intercepting the retreat of the enemy." Three hundred of the 40th Regiment were embarked in the 'Pioneer' and 'Avon.' They were to land at a selected point on a preconcerted signal. The wind and currents delayed their movements. The number of the Maoris was thought to be between 400 and 500. The total British force was about 1300. The enemy's position was shelled till nearly five o'clock. Armstrong 12-pounders on land aided the fire from gunboats. The General was weary of waiting for the preconcerted signal of the landing of the men of the 40th Regiment sent to the rear by water, and he ordered an assault, which was gallantly executed. The entrenchment was scaled, the line of rifle-pits facing the Waikato was forced, and the Maoris were driven to their centre redoubt, which they "defended with desperate resolution," behind a parapet 21 feet high. At this time the General saw that the 40th had

<sup>1</sup> General Cameron's despatch; 24th November, 1863.

occupied the ridge in the rear, and were pouring a heavy fire on a body of the enemy who fled by the Waikare swamp. Two assaults on the centre redoubt were made separately by 36 of the Royal Artillery, and by 90 seamen, armed in each case with revolvers. Both were driven back with loss; and hand-grenades were vainly thrown into the work to dislodge the besieged. It was then growing dark, and satisfied with his position, in which he said "the troops almost completely enveloped the enemy," the General resolved to wait till daylight. The force under the Commodore endeavoured to prevent an escape to the Waikare lake. Shortly after daylight the Maoris hoisted a flag of surrender. One hundred and eighty-three men and two women became prisoners of war. The General was unable to ascertain what had been the original force, or what was the loss of the natives. "Their wounded must have been removed in the night, as there were none among the prisoners." Thirty-six dead Maoris were found and buried, and it was believed that numbers were drowned or shot at the Waikare swamp. The General's despatches gave a return of 39 English killed, and 89 wounded. Amongst the dead was Captain Mercer who led the Royal Artillery in their desperate assault on the redoubt. When he fell in a position exposed to the fire of Maoris and of English, Te Oriori risked his own life in carrying him to a place of safety within the pah. It had been supposed that the king and the king-maker were in the camp; but they were not among the prisoners. A native afterwards said that the king-maker and others escaped between the Waikare swamp and the river to the south of the redoubt, in which case they must have passed almost through the English lines. A letter from the king-maker on the 4th December, asserted that 36 escaped by swimming across the Waikare lake. Many, including women, were drowned. Among the prisoners were many important chiefs.

Mr. Gundry, interpreter, in his report to the Native Minister, mentioned a fact which found no place in the General's despatches, but which marks the true nobility of English soldiery. Far from thirsting for the blood of the gallant foes who had rent their ranks so fearfully the evening before, they respected the courage with which, under a storm of shot and shell, that

small band of men had defended their ramparts. The simple narrative of the interpreter must make every Englishman proud of his countrymen. "A Maori came forward with a white flag, when the soldiers sprang in amongst them, and commenced shaking hands with the Maoris. Soon after, the General came, and ordered them to give up their arms and he would treat them well as prisoners because of their brave conduct. . . . Te Wheoro accompanied the General from Mere-mere to Rangiriri, and was very useful as a guide." On the morning of the surrender the king-maker approached with a large party of Maoris with a flag of truce. The interpreter found the leader inclined to surrender, but his followers unwilling. The king-maker sent his "mere," a weapon of green-stone, but the General could not tell whether it was in token of peace. General Cameron wrote: "I hope the prisoners will be treated generously, for every one must admire the gallant manner in which they defended their position to the last." The captives proposed to make peace, but the General told them the Governor only could arrange it. They wrote to the king-maker to urge the tribes to make peace, and abandon the "mana" of the island. One of the chiefs who had escaped wrote to the Governor soliciting the release of the prisoners. "Let it suffice for you—the men who are dead. Return to us those who live." He was told by Mr. Fox that the Governor could make no terms till their arms were laid down. The chiefs wrote again to the Governor. He answered (6th December): "Your letter has reached me. Sons, my words to you are these. The General must go uninterrupted to Ngaruawahia; the flag of the Queen must be hoisted there. Then I will talk to you."

On the 3rd December, Wiremu te Wheoro went from the General to Ngaruawahia. As he approached he was greeted with firing on both sides of the road. He reached the house of Matutaera, and the chiefs said, "Come and see your fallen tribe and your broken canoe." In like figurative words he addressed them and recommended peace. The king-maker was sent for from Tamahere. There was a council. They said, "If we give up the guns we shall perhaps be made prisoners." The Ngatimaniapoto were about to cut down the flagstaff. "Waikato would not allow them. The quarrel was great.



Both sides fired without aiming. Then Tamati Ngapora, Mohi te Ahiatengu, Patara te Tuhi, and the king-maker, gave the flagstaff to me, Wiremu te Wheoro, with these words: 'Wiremu, we give over this flagstaff to you, with those buried here and at Ngaruawahia, for you to give over to the General and to the Governor. Especially let not the remains of the dead be ill-treated by the soldiers.'"<sup>1</sup>

It cannot be asserted that this act of submission would, if wisely received, have terminated wars in New Zealand. It is plain that it was not wisely availed of by the Governor and his advisers. At Rangiriri was found a proclamation by the Maori king, dated 3rd October. It called for one-fifth of the tribes of the island to assemble as warriors at Ngaruawahia. It commanded them not to despoil the slain of their clothes; but "guns, powder, bullets, copper caps, cartouch-boxes, watches, money, rings, hats,—these take." Such spoil was to be "brought to one heap," and marked with the name of the depositor and the king's seal. The arms and ammunition would be given back to the captor, the other property was to be "left alone till the end, when his own will be restored to each man." How far this summons had been obeyed no European could tell. The General had crossed the Waikato frontier more than two months before it was issued.

To the letter from the captive chiefs the king-maker replied ambiguously on the 4th December. He was unable to fulfil their word, to make peace. "We have not yet taken breath, both on account of your (ma-té) misfortune, and on account of the enemy constantly driving us from place to place. We are quite out of breath. What we have done, since you left, is to think over your word and continually retire; as the steamer moves this way we move also." The steamer 'Pioneer' moved with an important freight. The General, the Commodore, and 500 men were with her. The Governor detained the English mail for twenty-four hours, to announce the occupation of Ngaruawahia on the 8th December, and the establishment of head-quarters at the rebel capital. The Maoris had evacuated it, taking with them the bones of Potatau, their first king. In

<sup>1</sup> The atrocities committed by the volunteers at Papakura had made their mark.

a few days the success of the Thames expeditionary force, 900 strong, was assured by establishing military posts from the firth of the Thames to the river Waikato. Near Paparata Colonel Carey built a redoubt on a hill, which, commanding a view of the Queen's Redoubt at Te Ia, of the Waikare lake and of the firth of the Thames, enabled him to establish a system of telegraphs. An exploit of Captain Jackson, of the Forest Rangers, at Paparata, attracted attention in December. Smoke was observed on Sunday morning, and a stealthy advance was made. The voice of a Maori leading the devotions was heard, and the approach of the Rangers was unnoticed. At thirty yards' distance a volley was poured upon the congregation, and the assailants rushed up to finish their work with revolvers. "The panic was intense. One man stood upright, without making an effort to escape or defend himself, and was shot down. Another was wounded in the shoulder by Smith; the native fired at him in return, but missed; he then clubbed his double-barrelled gun, and struck at Smith, who parried the blow and closed with the native. Although the Maori was wounded, he would have proved match enough in this hand-to-hand struggle, but for Ensign Westrupp, who came to the relief of his man, and shot the native in the head; he fell, but again rose to his legs, when another man blew his brains out. This was the only instance of resistance, except a few shots which did no harm. Four of the Maoris were left dead on the field, and several wounded men were carried away, principally by the women of the party. There was an order given not to fire at any of the women." Such was the account in a newspaper, which regretted that the fugitives were not followed and punished more severely; but "on the whole (thought) a highly successful affair had occurred to enliven the monotony of the war, and this time it is entirely by civilians." It transpired that women had not been spared, and the commander admitted that one woman was wounded. The Rev. R. Taylor in his 'New Zealand, past, present, and future,' singled out Jackson's Sunday performance as one which ought to make the colonists blush.

The readiness of the Maoris to discuss their plans showed how utterly they had been defeated. They had intended to operate, in guerilla bands, upon the rear of the General's forces.

From the Thames to Manukau, and especially in the Hunua forest, they had hoped to harass their invaders. They had not believed that supplies for a large invading force could be depended upon, but were disappointed. The destruction of the war-party at the Wairoa river, in September, had signally foiled their schemes on the General's left rear, and when the redoubt was constructed near Paparata, and the road through the Hunua forest to Maungatawhiri was held by efficient detachments armed with rifles, the inefficiently-armed Maoris were powerless for offence. The Parliament unanimously thanked the General, the Commodore, and Major-General Galloway, the commander of the colonial forces.<sup>1</sup>

A serious question had occasioned much debate in both Houses. The remoteness of Auckland from many populous parts of the Middle Island had always obstructed members in attending the General Assembly, and was an obstacle to communication with the General Government. It was resolved in the Lower House that the seat of Government should be transferred to a suitable locality in Cook's Straits, the selection of the site being left to an impartial tribunal. After opposition the motion was carried. On the 25th, in spite of vigorous efforts by Mr. Stafford, it was resolved, by 24 votes against 17, to ask the Governor to seek the aid of the Australian Governments in selecting impartial Commissioners to choose the site. The Governor expressed his willingness to comply with the address, but further debate was raised on the question of providing funds, which were nevertheless voted, on the 4th December, by 23 votes against 11. A similar motion was carried in the Legislative Council by 11 votes against 8; Mr. Whitaker, the Premier, being in the minority, although his colleague, Mr. Fox, had voted with the majority in the House of Representatives. The early project of Gibbon Wakefield's friends was thus resumed after many years, for it would hardly be doubted that Wellington would be chosen as the most suitable position in the Straits. To compel a removal from Auckland, the Representatives

<sup>1</sup> Major-General Galloway, recently promoted from the command of the 70th Regiment, had, at Governor Grey's request, consented to remain for a time in the colony to command the militia and volunteers (Despatch; 10th August, 1863).

resolved that if proper accommodation should not have been made at the seat of Government, it would be expedient that the Assembly should hold its next sitting at Christchurch.

During the session a subject which had in former years aroused the Legislature of the colony of Victoria was brought before the Assembly. As in Victoria, so in New Zealand, the gold-fields drew crowds of harpies from the criminal classes in Tasmania, the last gathering-ground for English convicts in the south-eastern group of Australian colonies. After discussion, disallowance, and difference, the Victorian Convicts Prevention Act found a home in the statute-book. In Otago the vultures which prey upon their honester fellow-creatures hovered so thickly that Major Richardson, the Superintendent, emitted a piteous cry. Criminals of desperate character were setting in like a tide, which, if not arrested, would "inevitably make the province one vast penal settlement." In 1861 and 1862 the Provincial Council passed ordinances to prevent influx of criminals. They were severally disallowed by the Governor, the opinion of the Judges being taken as to their repugnance to law and to the Constitution. A similar Bill was passed by the House of Representatives in 1863; was carried, by a majority of four on its second reading, in the Council; but was, on the motion of Mr. Swainson, ordered to be "read a third time this day six months." The Ministry urged that an Imperial Act should be passed, either to meet the evil, or to empower the Assembly to do that of which, in the opinion of the Judges, they were then incapable. Mr. Cardwell replied that as the Government "did not advise the disallowance of the Act passed to prevent the entrance into Victoria of persons formerly sentenced to transportation in the United Kingdom, but whose sentences had expired, so neither would they now advise the disallowance of a similar Act if passed by the New Zealand Legislature. They would, however, see the passing of such an Act with regret, and they certainly would not advise that Parliament should be invited to pass a law for the express purpose of enabling a Colonial Legislature to enact a provision so little in accordance with Imperial policy, and which, in the opinion of their own Judges, is not called for by any proved necessity." On the 14th December the session closed. The Governor gave the Royal assent to the Suppression

of Rebellion Act, the New Zealand Settlement Act, and a Loan Act for three millions sterling. The members were dismissed in triumph to their homes, with the Governor's thanks for their liberality, and an assurance that the unusual powers granted to the Executive in a time of great public danger should be used so as to encroach as little as possible on the ordinary domain of law. They had provided in their Loan Act for a reduction of interest on so much of the loan as the Imperial Government might guarantee, and Mr. Reader Wood, the Treasurer, sailed in January to advocate the interests of the colony in England. Among the Acts reserved for the Queen's pleasure was one "to enable Provincial Legislatures to pass laws authorizing the compulsory taking of land for works of a public nature." Mr. Whitaker was determined to effect the object in which he had previously been thwarted by the decision of the Secretary of State. By the Constitution of New Zealand, as in Australia, power was reserved to the Crown to disallow a Bill (although assented to by the Governor) within two years after the receipt of the Bill by the Secretary of State. Mr. Whitaker, at the close of the session, protested against the exercise of this power of disallowance with regard to the Rebellion and Settlement Act. His main plea was that native land tenure "was with little or no exception tribal," and if lands of a tribe could be preserved because loyal occupants were incapable of eviction, the Act would be for the most part a dead letter. Already 3000 men had taken military service with the hope of obtaining land, and it was intended to enrol 20,000. Difficulties in the way of confiscation would be intolerable. Such was Mr. Whitaker's argument in 1864. A more elastic construer of rights and powers can hardly have held office as Her Majesty's Attorney-General amongst the numerous dependencies of the Crown, nor one who, under the guise of quiet simplicity, affected to be ignorant of guile until concealment became no longer possible. The tribal rights he had advised the ignorant Governor Browne to reject as baseless, at Waitara, could scarcely be denied before the learned Governor Grey. Their existence was therefore made a plea for a larger measure of confiscation than any but special enactment could permit, though it could not justify. Some of those who supported the ministerial measures had misgivings. Mr. Weld

protested against them as unconstitutional and tyrannical. Mr. J. C. L. Richardson, who became a Minister at a later period, recorded the fact "that the doubtful supporters of the Ministry of Mr. Fox gave a hesitating and timid adhesion to the Bills," savouring, as they did, of the "darkest periods of English legislation."<sup>1</sup> Sir George Grey told the Secretary of State that, of the two modes of dealing with subjects after rebellion, generosity would generally be found most successful; and that, in New Zealand, generosity has so far prospered that former enemies, who might have inflicted serious injury in 1863, had not only refrained from joining the rebels, but had volunteered to aid the English. But the same policy could not now be relied upon. The belief of large numbers of Maoris that a new principle was to be established in procuring land, and dealing with the natives generally, had bred distrust in the Government, and the successes at Taranaki in 1860 had emboldened the young men of the tribes which had acquired arms and ammunition in great quantities. It was needful now to inflict punishment by taking land. But, recognizing the wisdom of a large generosity to the defeated, he would not carry the system too far. Magnanimity was not a virtue which abounded in New Zealand Ministries, and the want of it was to breed endless confusion. Yet a warning was received in January. In November, 1863, the Duke of Newcastle, while acquiescing generally in the seizure of lands from rebels, deprecated such wholesale confiscations as would lead the Maoris to believe that land-grasping was the motive for war. Even friendly tribes might thus be shaken in their allegiance, and wider and more desperate struggles might ensue. Her Majesty's Government would view with gravest apprehension a policy which might intensify the spirit of disaffection.

Timely words were lost on the dull surface of Mr. Whitaker's sensibility. He had little to say except that he had no apprehension that confiscation could not be confined within proper limits, and that the General Assembly would disapprove undue extension. The careful 'Observations on the proposal to take native lands under an Act of the Assembly,' drawn up by Sir

<sup>1</sup> Printed address to electors of Dunedin and suburbs north, by Major Richardson.

William Martin in November, 1863, were sent by Sir George Grey in January, 1864, to the Secretary of State with the 'Memorandum' by Mr. Fox, already mentioned as contending for confiscation on the grounds of necessity, of justice, and the interests of the Maoris, who were possessed of too much land for their own good. It is noteworthy that Fox took up a different position from that of Whitaker. Whether he hoped to be believed may be doubted. He wrote: "The Government proposes to confiscate (that is, to take without compensation) no lands except those of which the owners have been engaged in open rebellion, or actually aiding and abetting it by overt acts." He denied the existence of that for which Whitaker pleaded as absolutely essential. He concluded his paper with a declaration that "Mere technical difficulties (if there be any, such as govern feudal liability to forfeiture, or the necessity of conferring political franchise, which is alleged to be a condition precedent to the right to enforce submission to law), however interesting as abstract questions for discussion, cannot be entertained by a Government on which the responsibility rests of saving to the British Crown a dependency in imminent peril, and preventing for the future the renewal of a similar crisis."<sup>1</sup> To Sir William Martin's remonstrance that the Government ought to discriminate between the various sections of the Waikato tribes—the loyal and disloyal—Mr. Fox replied not a word. Sweeping confiscation was the long-coveted remedy for the woes of colonists who deplored the recognition of Maori rights by the Queen. They would undo by proclamation what she had sanctioned by solemn treaty. Whitaker's reasoning,—that the rebellious could not be properly punished if the rights of the loyal were respected,—furnishes an explanation of the silence of Fox. Sir William Martin's paper, written by him with a "feeling of sorrow, if not of shame," remained unanswered by the Ministry, and received unworthy treatment at the hands of Sir George Grey. He, who well knew that the crossing of the Maungatawhiri was a declaration, and an act, of war,

<sup>1</sup> As Mr. Fox had the effrontery, in 1879, to publish a letter in which he declared that his influence was not exerted to bring about confiscation of Maori lands, it is well that his advice in 1863 should be recorded in his own words.



was not ashamed to urge that it was an act of self-protection. He could not answer Sir W. Martin, and he was too prudent to resort to the hollow immorality of Mr. Fox. He insidiously said (with regard to the invasion of Waikato): "I say this, not in answer to Sir W. Martin's views, which would probably agree with my own on this point, but because I fear that his remarks might, as they stand, be misunderstood by persons at a distance." He did his best to cause them to be misunderstood, lest the injustice of confiscating the goods of loyal subjects should be perceived in England, and the Waikato campaign should be marred. One thing he had the grace to avoid. He did not adopt the ethics of Whitaker and Fox; nor did he comment upon them. Anise and cummin his advisers could supply. The weightier matters of righteousness and mercy were beyond their ken. The law they worshipped was not like the ancient Themis, offspring of heaven and earth. It was altogether of the earth, earthy, and was centred in a craving for Maori land. The law to which Sir William Martin appealed, whose "seat is in the bosom of God, whose voice the harmony of the world, to which"<sup>1</sup> all things in heaven and earth do homage, "the very least as feeling her care, and the greatest not exempted from her power; both angels and men and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy"—such a law was unfitted for the designs of the heirs of the rapacious crew whom Lord Stanley had abashed, when, for the credit of the English name, he conveyed to New Zealand the commands of the Queen. They ruled, however, in New Zealand in 1864, and the majority of the increasing population, ignorant (as Sir W. Martin admitted) of Maori history and rights, and therefore comparatively guiltless, were hurried by their leaders into acts of crime.<sup>2</sup> The

<sup>1</sup> Hooker.

<sup>2</sup> Contrast the excuses of Whitaker and Fox with the straightforward common sense of Acting-Governor Shortland, when "taking payment in land" was urged upon him. "I do not at all approve of the system of taking payment in land from the natives for acts of aggression on British subjects, being of opinion that it would tend to encourage a frequent repetition of similar offences (against Maoris) and to render the lower class of settlers more and more abusive towards the natives" (Despatch to Lord Stanley, No. 53; 15th June, 1843).

Governor's disingenuousness did not improve his position, which was, without doubt, difficult. Mr. Fox had been his ancient enemy, and had gone to England to assail him in former years. There was still some animosity.

The Ministry in various ways showed jealousy of the Governor's ability and knowledge of Maori character. It was revealed in characteristic and trivial ways, which made the course of affairs a maze of pettiness, encumbering hundreds of pages in the New Zealand blue-books. A few specimens are necessary to explain the state of affairs. It will be remembered that the rebels had been told that the Governor could only talk to them when the Queen's flag had been hoisted at the rebel capital. When the General reported the occupation of Ngaruawahia on the 8th December, his Ministers urged Grey to go thither with them and promulgate terms of peace. Those terms were discussed at great length. Surrender of arms, oath of allegiance, confiscation of all the land of rebels, followed by restitution to each man of a limited portion, so that his family might not starve,—prosecution of all murderers—were the main points. The Ministry insisted on going with the Governor. He thought it better to go alone. They would not yield, and he did not go with them. A notice, 16th December, was sent to the chiefs telling them that their reluctance to give up arms lest they should be made prisoners (as reported by Te Wheoro), was needless, for that none of them should be molested, except actual murderers. No act of war would be punished. If they wanted to know more of the Governor's intentions, he would receive a deputation in Auckland, treat it kindly, and allow it to return in peace. They must decide quickly, for the General would not stay his advance. Mr. Fox, in his account of the war, condemns the Governor for inability to make up his mind about going to Ngaruawahia ; but a memorandum furnished by Sir G. Grey to his Ministers on the 18th December, at their request, explains his proceedings in a different manner. For a Governor, with the General and his Ministers, to make overtures and fail, would injure his position in the eyes of Europeans and of Maoris. The natives ought to make overtures to him. Either the Governor ought to be with the General, making no overtures to the natives, but on the spot if they should choose to make them to him ;—or, if his

advisers preferred another course, they might be with the General ready to receive overtures. On the 19th December, Mr. Whitaker summed up a reply in the words: "Most of the cogent reasons given by his Excellency against his going with some of his Ministers appear to them equally cogent against either party going without the other." Mr. Fox declares that it was unfortunate that the Governor<sup>1</sup> did not go with his Ministry, and that his refusal led to his being charged by the natives with breach of faith and responsibility for further war. He even says that the king-maker positively asserted, that if the Governor had gone to Ngaruawahia peace would have been made. But the king-maker's letter which Mr. Fox quotes makes no such assertion. It declares, on the contrary, that if the war had been allowed to stop at Rangiriri—if the proposals of the prisoners had been accepted by the English—there would have been peace. But neither the Governor nor his Ministry agreed to the captives' suggestions, though the king-maker wrote at the time that it was not proper for him to carry on war while his imprisoned friends were proposing peace.

As early as in December, 1863, there was a feeling that the Governor might be unwilling to confiscate lands so sweepingly as his Ministers might demand. On the 17th, he showed them a draft of a despatch to the Secretary of State, asking whether it was wished that he should assent to any advice from his responsible advisers; or whether the English Government proposed to issue any instructions. Pending the receipt of instructions he would act on his own judgment. Judging from the tone of the press, some persons desired—not that land should be confiscated as an example and check upon rebellion,—“but that a magnificent and extensive territory might be thrown open to any amount of prosperous colonization.” Mr. Whitaker and his colleagues demurred to the despatch, and reserved their rights “as Ministers responsible to the General Assembly and

<sup>1</sup> Mr. Fitzgerald urged that proper efforts were not made to arrange terms when the General reached Ngaruawahia, and that the further advance of the army compelled the Maoris “to fight with the courage of despair.” Sir G. Grey denounced this statement as “untrue” (Despatch 46; 7th April, 1865); and arrayed many dates to controvert it; but the bickerings between Sir G. Grey and his advisers tend to confirm Mr. Fitzgerald's opinion.

the colony." After exchange of minutes, in the course of which Mr. Whitaker "feared that the conclusion was inevitable that the views of the Governor and his Ministers differed essentially as to the practice of responsible government," the document was not sent to England, and Mr. Cardwell in due time furnished the Governor with instructions on the subject matter of the cancelled despatch.

The ceremony of handing the king's flagstaff to Te Wheoro bore no fruit. The wrangling of the Ministry with the Governor neutralized the tender of submission.

The advance of the Queen's troops made peace impossible. It was ascertained afterwards that the Maoris on no occasion had more than 2000 men in arms throughout the island. They had never more than 600 men assembled at one place during the war, and they were too wary to oppose them in the open field to far larger numbers aided by superior weapons. Rifle-pits and concealment were their defences. Thus they might hope that their assailants might be brought within the short range of their guns. Retreat from fortress to fortress was their plan of operation as General Cameron marched forward. To the General, meanwhile, looking round for strategic advantages, and heedless of national rights, it occurred that it would be wise to conquer the Tauranga district on the east coast. The Maoris to the east of the harbour were comparatively friendly. On the west the Ministry said they were decided enemies. Some had been to the war; some were preparing to go. Their crops were ready to be gathered. The loss of them would be a heavy blow. Writing on the 19th January, the Ministry said it was already publicly known that the expedition was contemplated, and to delay it would be considered a proof of weakness. The Governor yielded with professed reluctance, feeling that "under the present form of government" he ought to comply with the demands of his advisers. Again, therefore, an expedition was undertaken which could only be accepted as a token that the Government raised quarrels in order to seize upon lands.

It was believed that in 1863 as in 1860 the warlike youth of Tauranga had swelled the ranks of men in arms against the Queen. It was also true that the king-maker had much influ-

ence over the Maoris between the east coast and the waters of the Thames. Nevertheless, though the man who looked only from a military standpoint might be excused for favouring such a marauding expedition, the Civil Government, charged with equal care of both races, in recommending the expedition, were worse than pirates, for pirates have not sworn to do right to those whom they rob. The Civil Commissioner at Tauranga had furnished a return of the warriors supposed to have gone to the Waikato district to help the king. From the east side of Tauranga, 30 out of an adult population of 212; from the west, out of 542 no less than 260 were said to have gone. Over them the king-maker's influence was great. Mr. Whitaker drew up (19th January) short instructions for the Colonel (Carey) in command. One sentence was: "The crops and cattle and other property of the natives on the west side should be taken possession of and the crops gathered in." Mr. T. H. Smith, the Civil Commissioner, waited on Colonel Carey on the 22nd. Before doing so he had intimated to the Maoris in conformity with the exact words of a memorandum from Mr. Fox (the Native Minister), "that the object of the expedition is to act as a check on the movements of the Waikato sympathizers, but that unless forced upon them, active hostilities are not contemplated, and in any case will be only carried on against open rebels." Shocked at the variance between these words and the instructions given to Colonel Carey, Mr. Smith by words, and in writing, entreated him to stay his hand till the Government could be consulted. Ruthlessly to seize the property of the innocent would rouse peaceful tribes to take arms against the Queen. Colonel Carey waited while Mr. Smith's appeal was sent to Mr. Fox. On the 25th, two letters from Auckland were sent to Mr. Smith. The Governor wrote privately: "Colonel Carey sent me a copy of your letter to him regarding the error I had fallen into, in issuing such instructions as I did for treating all the natives on the western side of the harbour of Tauranga as enemies, seizing their crops, cattle, &c. I feel very much obliged to you for the fearless and honourable way in which you did your duty on this occasion, thereby preventing me from being the cause of bringing much misery upon many innocent people." The other letter, from Fox, was sevenfold more lengthy,

and upbraided Mr. Smith for circulating the former instructions among the natives. If the Government had desired their circulation Mr. Smith would have been told. "As you have acted entirely without instruction, the responsibility must rest solely with yourself." Mr. Smith's humane conduct appeared inconsistent with his verbal statements to Ministers in Auckland about the hostility of the tribes, and he was ordered to explain it. Sir George Grey (25th January) took prompt measures. He thanked Colonel Carey for staying his hand as to ravages, and told him to undertake no aggressive movement. If possible he was to intercept armed parties passing by the Tauranga route to join the natives in arms in the interior. Most civilians are as unfit to control military events as children are to be trusted with gunpowder; and when thwarted in mischief will like children complain. Mr. Smith furnished a satisfactory explanation, but Fox and Whitaker were discontented. They roundly rated the just officer for interfering to save the property of the innocent. At a later date (3rd February) in a memorandum on responsible government they complained of the Governor's "correspondence with their subordinate officer Mr. Smith."

On the course to be adopted with regard to the Maori prisoners, Mr. Dillon Bell had, on the 1st December, 1863, moved in the House that it was important that the policy of the Government should be announced. The Ministry were unprepared to make any statement and the motion lapsed, although seconded by Mr. Weld in a few words in which he expressed his opinion that though technically the prisoners were rebels, morally they were not, and ought to be treated neither with maudlin philanthropy nor with "vengeance and hostility." The Ministry soon showed that they were incapable of generous discrimination. Retained for some weeks on board of H.M.S. 'Curaçoa,' the Rangiriri prisoners were after the 24th December confined in the hulk 'Marion,' moored under the guns of a man-of-war in the Auckland harbour. Sir George Grey, on the 29th February, 1864, urged the Ministry to release on parole Te Oriori, a chief who had on numerous occasions acted nobly towards the English, and who was believed to have been wounded at Rangiriri while placing Captain Mercer in a place of safety. He had also been friendly to Mr. Gorst at Awamutu,

when that gentleman's life was in danger. Looking to the rank and generosity of Te Oriori, Sir George Grey thought that his release would produce an excellent effect upon the natives. After many days Mr. Fox declared that the Ministry objected to Te Oriori's release. Mr. Fox was about to visit Kaipara, and on his return "Ministers would be prepared to take the case of all the prisoners into consideration." It was not until the 7th April that Fox could be brought to make any proposition; and then in reply "to his Excellency's request more than once repeated" the ministerial junta said, they considered the trial of the prisoners ought to take place, if at all, under the Suppression of Rebellion Act of the recent session. But as that Act had not received Royal allowance they feared to use it lest after trial the disallowance of the Act should bring about serious complications.<sup>1</sup> "But as his Excellency has pressed so strongly (that the course to be adopted should be considered), Ministers are prepared to surrender their own views, and acquiesce in that of his Excellency." Let the prisoners, therefore, be tried by a military tribunal under the Act not yet allowed. Sir George Grey replied that he was not pressing that "the prisoners should be all brought to trial, but that some decision should be come to as to their future disposition." Uncertainty was producing a bad effect upon the natives generally, many of whom thought that all the prisoners were to be put to death. Some might be tried, and others released on conditions. Moreover, he wished the trials to take place before the ordinary tribunals, and not before Courts composed of military officers. Mr. Whitaker then (19th April, 1864) took up the argument. Ministers were of opinion that all the prisoners should be tried, "and that none should at present be released," and that the most convenient mode would be under the Suppression of Rebellion Act. Militia officers might be mingled with military in the composition of the Court.

<sup>1</sup> Mr. Fox's condition of mind was strange. He opposed the Waitara war in 1860 as unjust. He advocated the advance into Waikato territory in 1863, knowing that it would be accepted by the Maoris as a declaration of war. He passed the Suppression of Rebellion Bill subsequently, and then desired to try the prisoners of war who surrendered at Rangiriri under an Act passed after General Cameron had carried war into their territory. Not the injustice but "complications" in case of disallowance of his unjust Bill alarmed him.



Sir George Grey pointed out that already the imprisonment had lasted five months. Arms had been taken, houses and crops destroyed. The prisoners had lost the means of life. Their lands were deemed forfeit, and, though it was contemplated to give back small portions, without implements or stock the restitution would be of little worth. "In addition to these punishments it is now proposed to bring all these prisoners, without reference to degrees of guilt, or services, or conduct (prior to the disturbances), to trial before military courts for high treason, and then the trial being over to determine what their ultimate disposal shall be, keeping them however in safe custody until peace is established. The Governor much regrets that his Ministers should have rejected his earnest solicitations in favour of the chief Te Oriori. He believes that many lives would have been saved by a compliance with his request. . . . The course pursued in this matter has driven many natives to desperation, and has filled others, who have as yet taken no part in the rebellion, with distrust." No captive New Zealand chief generously treated would break conditions on which he might obtain his liberty. On the whole, believing that what his responsible advisers proposed surpassed in severity any punishment which Great Britain had inflicted in like cases, he would not take upon himself the responsibility of giving effect to their advice. He appealed to them to consider his position. In England the Crown was not active in giving the absolute orders to suppress riot or rebellion. Some functionary was held responsible. In New Zealand, the Governor was compelled to issue orders to the military and naval authorities. Ostensibly the orders were his, really they were those of Ministers. Yet no doubt he would be held responsible by the Home Government if any act of his should "appear to the Government and people of England unnecessarily severe or unjust, or to have a tendency to prolong, without sufficient object, a civil war." If he remembered at this juncture his acceptance of the resolutions of the House in August, 1862, on the ground that practically while he was in New Zealand the result would be the same, his reflections must have been bitter. Mr. Whitaker replied that the objection to release any prisoner on parole was insuperable; that Te Oriori had claims for consideration, but was infirm of purpose, and

could not therefore be trusted ; and that Ministers had not such an exalted opinion of the parole of a New Zealand chief as the Governor had. With taunting truth the arrest and long imprisonment of Rauparaha by Sir George Grey, in 1846, was now thrown in his teeth by the men who had used his influence in obtaining troops and his administrative ability in the commencement of the war, and would make him their slave when they were presumptuous of success. As for the general question of responsibility, there were differences between the English and Colonial Government ; “ but if his Excellency means that responsibility for the acts of the Government in New Zealand rests with him, and not with Ministers, they feel it to be their duty respectfully to express their dissent from that view.”

A dreary correspondence of this kind was protracted for months. In vain Sir George Grey furnished a report from the interpreter serving with the forces (28th April, 1864) showing that Rewi though anxious to make peace was deterred by the treatment of the prisoners,—and distinctly complained that they had been led to believe that on giving up their arms they would be permitted to live freely within the lines of the troops. This rumour Mr. Whitaker said was not to be disregarded, but too much weight should not be attached to it. Friendly chiefs piteously entreated, but in vain, that the captives might be allowed to leave the hulk and live on shore. Sir George Grey (29th April) said that he feared the recent slaughter at Orakau, including women, might with justice be traced to the unexplained detention of the prisoners, especially of Te Oriori. He felt a serious responsibility, and dreaded a recurrence of such events. “ He has done his utmost at all times to promote the views of his Ministers, and wished to show that on a point where he felt so strongly, a responsibility really rested on him, which gave him a strong claim on their consideration, which he hopes they will yet recognize.” He might as well have appealed to the timbers of the hulk in which the prisoners were immured. Mr. Whitaker, professing a desire to be compliant, regretted the difference which had arisen, but would not consent to release any one of the prisoners. Mr. Fox asserted that they were very comfortable and in excellent health in the hulk ; but the principal medical officer in the colony, and the sanitary officer for the

troops, reported otherwise, and that the seeds of disease were being sown in the captives by reason of the unfitness of their prison. A special request was made to Mr. Fox in May for straw mattresses, in order that these prisoners of war might not be compelled to sleep upon hard boards. (In the same month the surgeon in charge reported that Te Oriori and six others should at once be removed to the shore, where with "exercise and other hygienic measures they will be allowed a fair chance of renovating their shattered constitutions.") It was not until nearly a month after this request was made to the hard-hearted Minister that it became known to the Governor. Mr. Fox, when reminded of this concealment, roundly told Sir George Grey (June, 1864) that the Ministry only were responsible, and that it was not customary to lay before the Governor reports on "other prisoners in the various gaols of the colony." On the 4th June, the first winter month, the sanitary officer of the troops reported that "None of the prisoners had anything to lie upon save the deck of the ship." Such being the conduct of his Ministers it was well that Sir George Grey referred the question of principle to the Secretary of State. On the 6th April he had narrated the facts up to that date. On the 7th May he had asked that, if it were deemed necessary, he might receive commands on the subject. He wrote to the Duke of Newcastle, but that nobleman did not receive his letter. Early in 1864 the Duke's health failed, and he retired. He was succeeded in April by Mr. Cardwell. It would have been well for humanity, and might have restored the feeble statesman, if he had retired earlier, and left to the firmer grasp of Mr. Cardwell the reins which he had held to so little purpose. As it was, he died in a few months. The evil effects of his sanction of the Waitara rapine could neither die nor be forgotten.

Mr. Cardwell's decision as to the captives may be told here. To Sir George Grey's first recapitulation of his difficulties he replied (June, 1864) that he was led to conjecture that if the Ministry had concurred in a definite and generous course, evils and loss of life might have been avoided. "On this I think it necessary to observe, that while I fully recognize the general right and duty of the Colonial Government to deal with matters of native policy, properly so called, I consider that while active

operations are being carried on under the conduct of Her Majesty's officers, and in the main by Her Majesty's military and naval forces, it is for the Governor personally as representative of the Imperial Government to decide upon the fate of persons who are taken prisoners in the course of these military operations. And although, before adopting any such decision, I should wish you to obtain the advice, and if possible the concurrence, of the Ministers, I do not consider that concurrence indispensable. But, subject always to the positive law of the colony, I hold you entitled to determine, and I look to you for determining, whether such prisoners or any of them shall be released on parole or otherwise, or whether they shall be kept under such control as may legally be applied to them as prisoners of war, or whether they shall be handed over to the civil authorities to be dealt with as criminals. I shall therefore be fully prepared to support you, in case you should have thought it necessary, with or without the consent of your Ministers, so to deal with these prisoners as, in your opinion, the public interests may have required." At a later date (26th July) Mr. Cardwell treated the subject at greater length. Adverting to Sir George Grey's statement that the Governor would be held responsible in England if needless severity were used, Mr. Cardwell said: "You appear to me rightly to interpret your position in the observations you have addressed to your Ministers." On the 26th May, he had written: "I entirely anticipate that your Ministers will be animated by a just sense of the exertions and sacrifices which have already been made by the mother country, and that on colonial grounds they will be as anxious as you can be yourself to terminate the present hostilities. But it is my duty to say to you plainly that, if unfortunately their opinion should be different from your own as to the terms of peace, Her Majesty's Government expect you to act upon your own judgment, and to state to your Ministers explicitly that an army of 10,000 English troops has been placed at your disposal for objects of great Imperial, and not for the attainment of any mere local, object; that your responsibility to the Crown is paramount, and that you will not continue the expenditure of blood and treasure longer than is absolutely necessary for the establishment of a just and enduring peace." Of these words he now

reminded the Governor. As to the wisdom of releasing Te Oriori, only presence on the spot could justify an opinion. Mr. Cardwell gave none. "What I do feel it my duty to say to you plainly is, that the aid of the mother country in men and money is given to the colony on the understanding that the military measures which have unhappily become necessary shall be directed by you in concert with the distinguished General in command. I shall be perfectly ready to support you in any measures which, not breaking any positive law of the colony, and after consulting with the General, you may have thought it necessary to take." The Whitaker Ministry would not consent to the publication of these despatches in the usual prompt manner. They doubtless deplored the events which had placed in the Colonial office so clear a judgment as that of Mr. Cardwell. On the general policy to be pursued he was equally decided, and a remarkable despatch (26th April, 1864) will demand special consideration.

At the resumption of warlike operations, the state of the tribes may be summarily stated thus: Dr. Featherston, Superintendent at Wellington, visited the west coast, and found Wi Tako friendly to the English, although not severed from loyalty to the Maori king. The capture of Rangiriri was commented on with evident knowledge of the scene of operations. The chiefs "were highly pleased at the fraternizing of the soldiers with the natives at Rangiriri, with the compliment paid them by General Cameron, and the kind treatment (as they believed) the prisoners were receiving." Dr. Featherston temporarily adjusted a dispute about land between the Ngatiapa and the Rangitane and Ngatiraukawa tribes. At the discussions the natives showed "calmness and moderation." For a time, as far north as Wanganui, the west coast was, in February, 1864, deemed safe. In March, Colonel Warre, commanding at Taranaki, captured without loss the rebel positions at Kaitake, near Oakura, and at Au Au. "The beautiful practice of the Armstrong guns set fire to a whā-rē" at the very hour fixed for an advance, and availing themselves of the "fortunate accident," under cover of the smoke assaulting parties entered the works, from which the Maoris rapidly escaped, having wounded only two soldiers by a sustained fire. In April, having employed

flying columns to destroy the Maori crops and cultivations, Colonel Warre reported that "every acre of cultivation was cleared within twenty miles to the south of Taranaki." In the same month, Captain Lloyd, 57th Regiment, with a reconnoitring party of about 100 men, in the act of destroying a Maori plantation, was surprised by an ambuscade at Te Ahuahu. He and six others were killed in the retreat, and twelve were wounded. The heads of Captain Lloyd and five others were cut off and carried away. There was a rumour that this atrocity was provoked by the taking of the head of a Maori by a European for scientific purposes; but on investigation the occurrence was not proved. At the end of the month a large body of Maoris, after dancing their war-dance, attacked a redoubt at Sentry Hill. Captain Shortt, 57th Regiment, had ordered his men to sit concealed till told to fire. When the Maoris approached they were met by heavy volleys and shells from a cohorn. They fled, leaving more than thirty dead and many wounded. Only one soldier was wounded. Colonel Warre reported that the confidence shaken by the death of Captain Lloyd was entirely restored. "Our vengeance has been at least five-fold; and to show how we appreciated the desperate gallantry of the natives I sent to offer to return them their dead, but they had not the courage to send for them, and they were buried near the redoubt."

It was noticed that in the advance of the Maoris they had halted strangely, and the reason was afterwards discovered. Sir William Martin's prediction had proved true. The faith of the perfidious Pakeha was discarded. A new creed had been coined to stir the tribes to battle and murder. The sword of the Lord and of Gideon was in their hands to smite the Pakeha and all unfaithful to the Maori king. The great day of deliverance was to be in December, 1864. The followers of the new religion were to be called Paimarire. It was called Hau Hau from the use of that sound in its ritual. It was said that when Captain Lloyd was slain, the infuriated Maoris had reverted to their national atrocity of cannibalism; and that the blood of some of the victims was drunk in savage triumph. Then the heads were buried. In a few days they were dug up, and a mad or knavish Maori, Te Ua, declared that the Angel Gabriel

had communicated to him a new religion, of which the officer's head was to be a notable symbol. When false reports were daily mingled with truth, when Maoris were maddened by the burning of their homes, and were more willing to die than to submit, the new faith was hailed as an excitement like the dram of the drunkard. Emissaries were sent to distant tribes to pave the way for it. Mr. Fox insisted that the king-maker was a convert. Letters attributed to him were produced with the concluding word Paimarire. Te Oriori, however, assured Sir George Grey that some of them were not written by the king-maker; and in December, 1864, a Maori averred that he was opposed to the Paimarire. The man, Te Ua, was not alone in his crazy confidence. There were other mad prophets. One of them, Hepaniah, officiated at the attack on the Sentry Hill redoubt. He professed to be invulnerable. On a moonlight night, with wild gestures, and singing a psalm, he walked to the parapet of the redoubt and sat down. A serjeant and a few men went out to capture him. The prophet threw a stone at the serjeant, hitting him on the throat, and then—ran away. The surprised men fired a volley. The prophet sat down and resumed his psalm. After another volley he retreated. Having thus confirmed the faith of his followers, if not his own, he led them to assail Captain Shortt in the redoubt. In their advance they relied on the incantations of the prophet, and a man, like the hero of the night adventure, moved in front of the main body. When grape and musketry poured deadly hail among them, at first they stood calmly, and their strange leader again sung and waved his arms. A rifle-bullet dispelled the charm, and when nearly two score had fallen the Maoris fled. The brother prophets declared that Hepaniah had offended the Angel Gabriel, and one of them, Matene, went southwards to make fresh converts, and attack the settlement at Wanganui, which so recently was thought by Dr. Featherston to be safe. Matene applied to the Wanganui natives for permission to pass down the river. It was refused. The prophet was willing to wait two months, but Hemi Nape, Mete Kingi, and others, tired of negotiations, challenged him to battle on the island of Moutoa, in the river Wanganui. There was apprehension in the English settlement, where the real force of the rebels was unknown. It



was supposed that some of the Waikato natives had joined them. In the settlement there was a garrison of 300 soldiers. Matene accepted the challenge sent to him. Neither army was to surprise the other. The time appointed was daybreak on the 14th May. The island was about 300 yards long, 20 wide, and about 15 high. At daybreak Hemi Napi was posted at the place where the Hau Haus were to land. Mete Kingi followed with the reserve. The advance party was in three bands: ten men were commanded by Kereti, nine by Hemi and Riwai, fifteen by Aperaniko and Haimona. The river was low, and the friends of the English on the left bank could wade easily to and from the island. From the right bank the Hau Hau fanatics had to move in canoes, from which they were allowed to land without opposition. They also formed advance companies with a reserve in the rear. There were not 150 of them, and many were boys. The Wanganui army was nearly 300 strong. When the Hau Haus had formed their battle-array within twenty yards of their enemies, they commenced their incantations, and continued them for two hours. Like Hapaniahi they thought themselves invulnerable, and believed that their enemies would be nerveless. A Hau Hau fired a shot. The forces slowly advanced, and when within ten yards of each other fired volleys with mutual effect. Kereti's fall dispirited his friends. When Hemi and Riwai were also killed, the army fled in terror, and some crossed to the river-bank. Haimona reaching the end of the island, shouted, "I will go no further," rallied a few less superstitious than the rest, poured a volley into his pursuers, was joined by Mete Kingi with the reserve, and drove the enemy with loss to the end of the island whence a few escaped in a boat, the swimmers being shot in the river. Matene, wounded thus, reached the bank, but was followed by a swimmer, Te Moro, who tomahawked him on land. Forty were left dead on Moutoa: many sank in the river. Among the friends of the English twelve were killed, and thirty wounded. The Wanganui settlers breathed freely, and in due time the Provincial Government erected in the market-place a monument "to the memory of those brave men who fell at Moutoa in defence of law and order against fanaticism and barbarism."

Meantime, rumours of the intended attack had brought Dr.

Featherston with a band of the Colonial Defence Force, to Wanganui. Landing there the day after the battle, he found the settlers enthusiastic in praise of the heroism of their allies. On the 17th, Hori Kingi and others proceeded up the river in canoes. Dr. Featherston followed, lamenting that some settlers grudged the supply of arms and ammunition to the friendly chiefs. The voyage was prolonged by repeated (tangi) wailing for the killed, in which the chiefs indulged. The victorious natives were found at Ranana. They wanted ammunition and guns. Hori Kingi wanted something else. He besought Dr. Featherston to release the prisoners, or at least Te Raimona. "We have fought for the Queen and to protect the Pakeha. We have killed in battle many of our nearest relations and friends. We have taken others prisoners. Have we not done enough? Must we surrender them to be sent to Auckland, or Wellington—to gaol? But if they must be surrendered, whatever you say shall be done. Cannot Te Raimona be given up to us? He is nearly related to every chief of the river." Dr. Featherston replied that he was bound to insist on the prisoners being handed over to him. As the fleet of canoes, with 150 armed men, passed the place where Te Raimona lay, Hori Kingi said: "Featherston, my heart is very dark about my children, especially Te Raimona. This is the first time I have passed this place without calling; the hearts of all the chiefs and their people are dark . . . many of our people prayed this morning that they might be excused from joining in this expedition. You have said they are the Queen's prisoners and must be surrendered to her. We come to surrender them. But still our hearts are sad. . . ." At this appeal the man overcame the official in Dr. Featherston. "To understand and appreciate its pathos (he wrote) every word must have been heard and the speaker seen." He promised that if Hori Kingi and other chiefs would write to the Governor he would support their prayer for a pardon. The old chief's eyes glistened with delight; he sprang up, hailed the five canoes in advance to stop, and gave them in a few figurative words what appeared a mere hint of what Dr. Featherston had said. "But this was quite sufficient; the gloom which had hung over them instantly disappeared; a cry of joy burst from the whole of them, and off they started, plying

their paddles with tenfold vigour, and there was no longer silence, but the usual cries and songs resounded from every canoe."

There were discussions with Pehi, a chief friendly to the Maori king. He had dissuaded the prophet Matene and the "mad dogs" who were with him, but he was urgent against the surrender of the prisoners. They were surrendered. In Wanganui there was public grief when Hemi Napi and a brother chief were buried. The garrison, the civilians, and many settlers were in the funeral procession, and the general sympathy deeply affected the Maoris. Dr. Featherston reported that "kingism was doomed, and that there was never so little prospect of the peace of the west coast being disturbed." Hori Kingi's eloquence was not spent in vain. Sir George Grey, with the concurrence of his Ministry, handed over all the prisoners to the friendly natives on parole. The light and darkness of Maori life were never more strangely exemplified. At the pah where Te Raimona was delivered to Dr. Featherston, Matene's men had dug two large ovens in which to cook the foes, at whose intercession the Hau Hau prisoners were now to be released. Dr. Featherston's influence did much to ensure peace. Wi Tako Ngatata, who had leaned to the Maori king, would not ally himself to the "mad Hau Hau prophets." "My kind of kingism," he said, "would never have ended thus. It was calculated to bring forth good fruits only. I have nothing to be ashamed of when I meet the tribes. I was faithful to kingism till it died, and I had no hand in its death." In a clear and distinct voice, on the 3rd June, 1864, he took the oath of allegiance, and his subsequent exertions mainly contributed to suppress disaffection in the southern parts of the island.

Captain Lloyd's head was supposed to have been lost in the river at Moutoa. In June, the interpreter to the troops at Wanganui (Mr. Broughton) heard that it was at Waitotara in the hands of Te Ua. He went alone to ask for it, and saw 100 armed men led by Hapurona, Te Rangitake's fighting chief. Te Ua gave to him a head which officers of the 57th Regiment believed to be that of their late comrade. Mr. Fox, meanwhile, was warmly welcomed at Kaipara by a tribe, which in ancient times had suffered much at the hands of the Waikato,

and some amongst whom gloated over the defeat of their former foes. He encouraged their triumph.

Must not the prophecy of Sir William Martin have run like iron into the hearts of any who were capable of remorse for provoking the war? Eighteen years had passed since he had said that the confiscation and seizure of land proposed by Earl Grey would, if adopted, make Maoris think the English a nation of liars, and cause them to abandon the faith they had accepted, and which the givers so unworthily departed from. The deed done at Waitara had justified the fears, and the wild orgies of the new sect convinced the most sceptical of the wisdom, of the good man whom Colonel Browne, and Mr. Richmond, and at a later date Fox and Whitaker, refused to regard. In 1864, the Government forces took possession of various places in the Waitara district. A strongly-fortified pah, Manutahi, was abandoned after trifling resistance, and Te Arei at Pukerangiora, which the General had approached by sap, in 1861, fell into Colonel Warre's hands in October, without a struggle. He was piloted by the friendly natives, and the enemy were few in number. Neither Rewi, nor Te Rangitake, nor Hapurona were there. Rewi and the men of Ngatimaniapoto had serious work at their own homes. Colonel Warre scoured the country, destroyed villages wherever he could find them, and having driven men, women, and children from their homes to fastnesses or wilds in the interior, formed a redoubt at Te Arei, with a strong garrison.

The attitude of the Ngatikahungunu tribe, whose territory extended on the east coast from Wellington to Napier, was an object of concern to the Government. There were feuds between the tribes on the Wairoa river. Major Whitmore, Civil Commissioner at Napier, urged them to be reconciled and accept one law for all. As to the Maori king, he did not complain of their sympathy with the idea of native union; but let them not add flames to war. In Waikato the English were at war merely because Englishmen had been murdered. Let not the east coast tribes interfere. The Maoris were at the time troubled by cases of adultery, and wished Major Whitmore to help them to a law of divorce, but he was unable to give them comfort. At the meeting no less than 600 Maoris were

guests. Major Whitmore reported that it was possible to keep on good terms with the Ngatikahungunu, but that men had gone to the war at Waikato from the Ngatiporou at the East Cape and from the rugged Uriwera territory. The Bishop of Waiapu (William Williams) reported much ferment in February at Poverty Bay on the subject of land confiscations. The natives wanted to see the Governor. Meanwhile, the war at Waikato, and the intended devastation at Tauranga, which was frustrated for a time by the Civil Commissioner's prudence, occupied attention. Having occupied Ngaruawahia without opposition in December, 1863, General Cameron, after a few weeks, advanced along the Waipa river to Te Rore.

The Maoris were entrenched at Paterangi, situate in a country where, in what was called the great Waikato plain, low ridges and mounds are surrounded or intersected by swamps and winding valleys with swampy hollows. High fern intermingling with flax and low manukau scrub gave cover to scouting parties. A few miles to the south-east were Te Awamutu, whence Mr. Gorst had been expelled, Kihi Kihi (Rewi's chief residence), and Rangiaohia, all situate in one of the richest parts of the Waikato campaign. Thence large quantities of wheat had been sent to Auckland in years gone by, ministering to the wants of the colonists, and supplying the Maoris with means to procure fire-arms. The Paterangi works of the Maoris were unusually intricate. Line upon line of zigzag rifle-pits intersected the slopes of fern-covered ridges. The General bombarded from a distance, but made no impression, and his Maori allies advised him not to attempt to storm. The Bishop, writing from the camp at Te Rore on the 4th February to a son, said that the Maoris had "so strengthened their position by earth-works that the General is obliged to proceed cautiously and systematically. The popular idea of 'rushing' seems to have been abandoned since Rangiriri." On the 11th February, about 50 soldiers were fired at on their way to bathe in the Mangapiko river. Colonel Waddy sent reinforcements, and the Maoris only escaped destruction in consequence of the uneven and fern-covered nature of the ground. The General witnessed the skirmish, and highly praised the officers engaged. Lieutenant-

Colonel Havelock reported that the action cost the Maoris 28 men killed, and two wounded prisoners. Of the English, six were killed, and a few wounded. The hero of the assault upon the Maoris engaged in religious service at Paparata was lauded for his activity on this occasion, when those whom he attacked were not principally women and children. As regarded the inclusion of women in the horrors of war, the General, with the aid of the Forest Rangers, was about to do a deed which contributed to forfeit for Bishop Selwyn his place in Maori affections. The Bishop hoped, by accompanying the troops, to soften the rigours of war, and to administer consolation to the wounded without regard to the side on which they had fought. But the Waikato tribes would not believe that man to be their friend who marched with their enemies.<sup>1</sup> He was fired at as he rode from post to post, but as of yore at Kororarika he went about the field of battle to succour the wounded. On one occasion he was with an officer carrying a wounded enemy to the camp, and meeting two soldiers received their help. As he carried the relieving soldier's rifle, he was reproached for having acted in so warlike a manner.

Wiremu Nera strove to induce the tribes to make peace. He found the king-maker at Maungatautari, willing to remain quiet if not attacked. Others were more warlike. But at Paterangi neither the Ngatimaniapoto, under Rewi, nor the Ngatiraukawa, nor any others, would listen to persuasion. One chief stood up and said, "Welcome, welcome, son. Peace shall not be made. If we are to die we will die in Waikato." Unable to influence his brethren, Wiremu Nera returned to the General and provided him with guides. One service rendered to the General by the friendly Maoris was in deterring him from assaulting the intricate lines of Paterangi. Within them the Maoris, provided with potatoes for immediate wants, longed to be attacked. Their chief depot for food was at Rangiaohia, and

<sup>1</sup> Writing to a brother Bishop, Selwyn said in 1863: "I have now one simple missionary idea before me, that of watching over the remnant that is left. Our native work is a remnant in two senses,—the remnant of a decaying people and the remnant of a decaying faith. The works of which you hear are not the works of heathens; they are the works of baptized men whose love has grown cold from causes common to all churches of neophytes from Laodicea downwards."

thither the General proceeded at midnight on the 20th February with a force of about 1100 men, to surprise the encampment, and annihilate the Maori commissariat. Colonel Waddy, with about 600, remained at Te Rore in front of Paterangi. At daybreak the General pushed on from Te Awamutu to Rangiaohia. "The few natives who were found in the place," he said, "were quickly dispersed, and the greater part escaped, but a few of them taking shelter in a whārē made a desperate resistance until the Forest Rangers and a company of the 65th Regiment surrounded the whārē, which was set on fire, and the defenders either killed or taken prisoners." This was the official method of telling, or concealing, that women and children were burned to death. For the credit of General Cameron it may be hoped that when he thus wrote, four days after the occurrence, he did not know the truth which was subsequently notorious.

Of what avail was it to preach peace to the Maoris, and tell them to be merciful, when a British force, commanded by a General, and accompanied by a Bishop, burnt women and children in a Maori house? Was it to be wondered at that a great grief came upon the Bishop when he heard that a plot was laid by the enemy to take his life? The successful General returned to Te Awamutu with 21 women and children who were not burned. He had fluttered the Maoris effectually. Though their men of war were at Paterangi and Maungatautari, their principal food stores, such as they were, were at Rangiaohia. That food was now destroyed, though the General did not think it worth his while to mention the fact in reporting his exploits. The grief of the Maoris at Paterangi was intense. They had expected the General to fight according to Maori principles with the foe ready to meet him. They had not dreamed that heavy guns and a large body of troops would be turned aside against women and children. Their rage at being outwitted by the flank-movement which left them idle, and destroyed their food and plantations, was exaggerated by the burning of their wives and children. Gathering their ammunition together they evacuated Paterangi, and were seen moving to Rangiaohia on the morning of the 22nd February, at which time also Colonel Waddy and his forces found Paterangi empty. The General marched against a band of



Maoris between Rangiaohia and Te Awamutu in the afternoon of the 22nd, and thought that at least 30 of them were killed. But for the fern it would seem strange that all were not destroyed; for only by concealment could a Maori hope to see an enemy within the range which his fire-arms could cover, while rifles laid the Maori low at long ranges. The main body fled through a swamp towards Maungatautari, where a pah was in course of construction. On the 21st eight, and on the 22nd twenty-one, English were included in the returns of killed and wounded. The General's camp at Te Awamutu was but a short distance from Rewi's Kihikihi settlement, and both were near Orākau, soon to be rendered famous in New Zealand story by deeds which extorted admiration from enemies.

Two documents written at this period may be referred to with advantage. Mr. Whitaker, on the 29th February, to allay the Duke of Newcastle's apprehensions lest the Maoris should be embittered by confiscation of land, stated—in a formal minute drawn up for transmission to Downing Street—that “though the proceedings of the Government were at first naturally looked upon with some anxiety and distrust by the natives, those feelings have much subsided generally, and in some instances complete confidence has been established in the intentions of the Government;” and that “every means have been taken to persuade the Maoris in general, that the property of innocent persons and tribes will be strictly respected, and that the measure of punishment will be apportioned to the degree of guilt.”

Sir George Grey transmitted the minute with an intimation that it showed that the Ministry fully recognized the wisdom and propriety of the Duke of Newcastle's views, and would fulfil their duties prudently and justly. Yet, at that date, Sir George Grey was vainly imploring for the release of Te Oriori; and Mr. Whitaker had officially urged, with regard to the Settlements Act of 1863, that, if innocent native occupants could not be evicted under it, the Act would be almost useless. Mr. Whitaker's false minute was scarcely dry when Ahipene, a loyal chief, wrote from Waiuku (1st March) to Mr. Fox, saying, that he heard from trustworthy sources that the obduracy of

Waikato was caused by distrust of the Government, and fear that if the chiefs should submit they would be tried, transported, and put to death. "This is the cause of their sadness, and in persisting in their evil course unto death. The heart of our sister Ngawai, when she heard these words, started with love to her people, and a desire to hear your words and those of the Governor, and to go to Waikato to suppress the evil, and cause the fighting to cease. . . . It is for you to decide. . . . If you think well, I and Waatu Kukutai would take our sister to make peace with the chiefs, and cause their king to be suppressed, their flag to be given up, and the instruments of war to be surrendered."

Mr. Fox paid no attention to Ahipene's entreaty, but on the 9th March said that on his return from Kaipara Ministers would think about the prisoners. He sent a draft proclamation which might be issued after the taking of Maungatautari. It was addressed to the hostile tribes, who "have been very obstinate, and now their land, the land of Waikato, is gone." The Government would give them "one more chance." Let every man bring in his weapons and sign a declaration of submission. "Then let him go to whatever place the Government shall tell him to go to; let him live there till it shall be pointed out to him where shall be his permanent place to reside." But "murderers shall not be forgiven." This announcement it was proposed to make to the widowers and orphans of Rangiaohia. Burial-places and homes, however venerated and beloved, were to be abandoned to the invader, at whose dictate the exiles were to be permitted to breathe. Subsequently (6th May, 1864) Mr. Fox vilipended Ahipene's appeal. The chief was not "trustworthy or disinterested;" some of his "immediate relatives" captured at Rangiriri were on board the hulk, and his assertion as to the injurious effect of their confinement was only made to procure their release, and was "not in the opinion of Ministers of the smallest value whatever." It was time for Mr. Cardwell to come to the rescue when Whitaker and Fox, dressed in brief authority, were prepared to use Her Majesty's name and wield Her Majesty's army in enforcing such behests. But pervicacious as they were they could not shake off all regard for public opinion. England could not be

expected to thrust injustice upon the Maoris at the point of the bayonet.

The vigilant Aborigines' Protection Society in London wrote in January to Sir George Grey, urging that the war might be concluded by negotiation, and expressing alarm at the wholesale land-confiscation proposed in some quarters. Such a policy would add fuel to the flames, and drive the Maoris to the madness of despair. The philanthropic names of Fowell Buxton, Joseph Pease, Newman Hall, S. Gurney, M.P., William Howitt, were attached in union with those of the Earl of Chichester, Lord Ebury, Sir Walter Trevelyan, Sir Wilfrid Lawson, General Perronet Thompson, Mr. F. W. Chesson, and many more. Sir George Grey showed his reply to Mr. Fox. Premising that some confiscation was needed as an example, he added: "That these measures will be carried out in a spirit of liberal generosity and of mercy I earnestly hope, and will do my best to ensure, and in my efforts to this end I believe that I shall be supported by a large majority in this colony." Mr. Fox wrote: "The Colonial Secretary entirely concurs in his Excellency's observations, and does not think it necessary to offer any on the part of the Ministry." But the Ministry after a month's reflection changed their minds. They drew up a lengthy memorandum on the 5th May, and at Sir George Grey's suggestion sent a copy to the Earl of Chichester. They justified sweeping confiscation as essential to enforce a moral lesson. "The deliberate opinion of Ministers is, that to terminate the present insurrection without confiscation of the lands of the rebels, making of course ample provision for their future, would be to surrender every advantage that has been gained, and practically to announce that British rule over the Maori must cease, and the Northern Island be abandoned as a safe place of residence for Her Majesty's European subjects."<sup>1</sup> . . . Ministers

<sup>1</sup> When first shown to Sir George Grey, the memorandum contained a quotation from a work by the Rev. Mr. Taylor, in which the author was quoted as blaming Governor Fitzroy for not having claimed the district of Waiaru in 1843, as having been paid for with blood. Sir George Grey informed Mr. Taylor (then in Auckland) that from his work an inference had been drawn that the natives would not consider themselves conquered unless their lands were confiscated. Mr. Taylor pointed out that the condition of affairs in 1843 had no analogy to that of 1864.

believe that nothing has been, or can be, more "pernicious to the native race than the possession of large territories under tribal title, which they neither use, know how to use, nor can be induced to use." They animadverted upon the "pernicious system of tribal right," but were prudently silent about the fact that its maintenance had been guaranteed by the treaty of Waitangi. To flourish their determination in the eyes of the colonial public, the Ministry resolved to publish their memorandum, and asked the Governor's permission to publish his letter to Lord Chichester. Sir George Grey preferred that the publication of his letter should be determined upon by those to whom it had been written. Mr. Fox considered that as Lord Chichester's letter had been published in the 'Times' before its receipt, the Governor was released from the ordinary rule, but Sir George Grey declined to imitate an informality.

It is necessary to revert to the operations in the field, for his "invaluable services," in which at "great personal risk and convenience" the Secretary of State, in acknowledging military reports, rendered to Bishop Selwyn his "sincerest thanks." The Department which had spurned the Bishop's counsel at Waitara was proud of his countenance at Paterangi. The General, meanwhile, hearing that the Maoris were gathering together for a final struggle at Maungatautari under the guidance of the king-maker, resolved to reduce their stronghold there—Ti Tiki o te Hingarangi. His own head-quarters were at Pukerimu, where spurs from the Maungatautari range trend to the left bank of the Waikato river, above the modern town Cambridge. He could there obtain supplies by the waters of the river. The Maoris had miscalculated the facilities with which ample resources could provide the military commissariat at points remote from Auckland. Their own scanty stores had suffered in the ravages at Rangiaohia. After evacuating

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Independent tribes had taken up arms under an impression that their lands would be seized, and the knowledge of an intention to confiscate the entire territory of the hostile tribes would prolong the war to the last extremity in every corner of the island, whereas if honourable and liberal terms were offered it was probable that so shrewd a race as the Maoris would lay down their arms. With ill-concealed chagrin Mr. Fox, after numerous minutes, withdrew Mr. Taylor's name from his letter to Lord Chichester.

Paterangi many of them appear to have been scattered in various bands near the Puniu river. Most of the women and children were removed southwards towards the upper waters of the Waipa. Some ammunition was secreted in convenient places, but the Maoris did not at once select a new place of defence. Brigadier-General Carey was stationed with a large force at Te Awamutu. A band of Maoris roving over their desolated land were passing Orakau, about three miles from Kihikihi (and as far from Te Awamutu), when one of them said: "This is my father's land. Here will I fight." The chiefs began to discuss the matter, but he was resolute, and his impetuosity prevailed. There was no apparent strength in the position. It was one of those low rolling mounds which characterized the country. Northwards the land sloped downwards almost imperceptibly to a patch of forest. Westward it was almost level with Orakau. From the south-west a ridge curved round by the south to the south-east at a distance varying from 250 to 350 yards, leaving a hollow between the pah and the crest of the ridge at the south-east. Eastward there was a gentle slope, and across a gully at a distance of several hundred yards the land rose again to the level of Orakau. Beyond the curving ridge was a swamp, at the other side of which, at the south-east, rose a steep but not very high mound which narrowed the swamp in that direction. Southwards the ridge was steep, and about 40 feet high, where it overlooked the narrow swamp which separated it from the mound which was higher than the ridge. Almost at the southern foot of the ridge there was a deep ditch with a steep bank above it, which had been made in former times to keep cattle from Maori cultivations. The ground was covered with fern and occasional flax-plants. On the 30th March, General Carey heard that the enemy were constructing rifle-pits at Orakau. They had fired upon a party of the colonial forces who stumbled by chance upon the spot. He made a reconnaissance and resolved to surround the position before it could be fortified. He sent 250 of the 40th Regiment by a circuitous route to occupy the rear of the enemy. At three o'clock in the morning, with about 700 men, composed of Artillery, Engineers, 40th and 65th Regiments, and about 25 of the Forest

Rangers, he marched past the Kihikihi Redoubt to Orakau, taking 150 men from Kihikihi on the way. Captain Blewitt was ordered to move from Rangiaohia to the east side of Orakau with about 114 men, composed of the 65th Regiment and the 3rd Waikato Militia in about equal proportions. The three forces were to converge upon Orakau simultaneously at daylight. The combined forces were more than 1250. The Maoris have been variously computed at from 300 to 400,<sup>1</sup> including women and children. The Brigadier was in front of Orakau at day-dawn.

The experience gained by Rewi at the Waitara in the construction of gabions and sap-rollers was used at Orakau. From the ridge at the south-west a heavy gun hurled its shot upon the pah. Instantly, under his orders, long bundles of fern were cut and bound with strips of green flax until an enormous mass of yielding fern received the harmless cannon-balls and guarded the earthworks. Then he turned to other tasks. Firing was kept up throughout the day and night both upon the sap and elsewhere. Thus did the beleaguered Maoris spend the night. They had no water. Their food was a scanty store of raw potatoes and a few gourds. Though taken by surprise, they were already, according to Carey's narrative, posted behind earthworks, with flank defences, deep ditches, posts and rails; and were sheltered from view by flax-bushes, peach-trees, and high fern. The English advanced guard under Captain Ring was fired upon, and rushed to the assault. Driven back, it was re-enforced and renewed the assault with similar result. Captain Ring fell, mortally wounded. Captain T. D. Baker, 18th Regiment, dismounted, called for volunteers, and led an attack which was again unsuccessful. The Brigadier, knowing that his subordinates were at their appointed posts on the right and in rear of the enemy, determined to take the place by sap, the artillery having failed to make an impression on the works. Care was taken to prevent escape, and it was deemed certain that the enemy thus surprised could have no store of food. In the afternoon a large band of Maoris appeared in the Maungatautari direction. They had come to relieve, but could only fire

<sup>1</sup> General Cameron reported that "they had probably not less than 150 men killed " out of a garrison not exceeding 300." Despatch, 7th April, 1864.

volleys and dance their war-dance to encourage their countrymen. The English lines were too strong for them, and shells were thrown upon them. The Brigadier himself was re-enforced by about 400 men in the course of the day and ensuing night. The sap was carried on without intermission. Carey reported that futile efforts to escape were made in the night by a few Maoris who when fired upon retreated to their works. In the morning they fired resolutely at the sappers, but the relentless work went on unchecked by casualties. Thus another day and another night were spent.

On the 2nd April, Lieutenant-Colonel Havelock arrived with hand-grenades which were thrown "with great effect" amongst the besieged. At noon an Armstrong gun was carried into the sap. It made a breach, and silenced some of the Maori fire. Women and children were in the pah, and the enemy were called on to surrender with a promise that their lives should be spared. They answered: "Ka whawhai tonu—ake, ake, ake."—"We will fight to the bitter end, for ever and ever." The interpreter urged them to send out the women and children. They answered: "The women will fight too." But they suffered severely in the rifle-pits which they had not had time to construct carefully. The oblong rifle-pit of the Maori held five or six men. At two of its angles it communicated with other pits so that men could pass from pit to pit along the line. Thus was formed a double line of pits with intervals of solid earth between each. The hastily-formed Orakau pits did not in all cases afford such facilities, and the hand-grenades thrown into them so rent the bodies of the Maoris that many were unrecognizable. Weary with incessant work, decimated by the riving grenades; athirst, starved, and girt by a ring of fire, the garrison would "not yield to kiss the ground beneath the feet" of Whitaker and Fox. Though reluctant to see gallant blood hopelessly shed, the Brigadier (with whose operations Cameron, though present, did not interfere), when the sap was completed, ordered an assault. Of a score of men who entered one breach, half fell beneath a volley which the Maoris delivered before they rushed to their inner works. A second assault at another breach fared in like manner. The British officers were consulting as to the next step to be taken, while the Maoris faced



the fearful truth that their ammunition was almost spent. Powder they had, but their bullets were few. And Rewi had a store of them buried in the fern some miles away! Famished and athirst—apparently without a loophole of escape—no Maori thought of yielding. In their distress they sang one of the hymns taught them by the Christians. Perhaps the Christian God would look down in pity. But still the Pakeha pressed on. Then sterner, bloodier thoughts succeeded. The superstitious savage confounded the Christian God with the deeds done by those who profaned His name. The Maori noble would discard the creed taught by the robbers of his land. They were a nation of liars. While the Bishop and his friends invited the Maori to look to heaven, the Pakehas had vilely stolen the land from under his feet. The Bishop calling himself a man of peace, marched with the soldiers. The Maoris would scorn him and all his works. They would appeal to their own god of fierce man. Tu-matauenga, with dreadful aspect; Tu-ka riri, the angry; Tu-ka nguha, the fiery; Tu-ka taua, the war-lover; Tu whakaheke, the man-destroyer; Tu-mata waita, eye-piercing;—surely, by one of his attributes, the great Tu would aid his children, or confound their enemies. They chanted a karakia, or imprecation of old days, long disused in Maori land. Their voices were heard by the wondering English, who were to marvel still more at their daring. At the rear, where the thunders of the great gun had been foiled by the flax-bound fern, a double line of the investing troops had been thrown back<sup>1</sup> under cover to enable the gun to open fire. Through that opening, about four o'clock in the broad day, chanting their appeal to the god of battles, and moving steadily as in scorn of their foes, the Maoris marched towards the narrow neck of swamp between the ridge and mound. Carey said they rushed. Mr. Fox writes that an eye-witness told him, "They were in a solid column, the women, the children, and the great chiefs in the centre, and they marched out as cool and steady as if they had been going to church." Rewi ordered that no shot should be fired. The little ammunition left was needed for defence in the desperate course through the swamp to be crossed on the way to the Puniu river. Ere he left his blood-spattered fortification

<sup>1</sup> Brigadier-General Carey's Official Report, 7th April, 1864. P. P.

he must have cast a lingering look on the home of his ancestry. On his right to the east stood Maungatautari about fifteen miles away, like a sentinel guarding the land on one side of the great Waikato plain; Pirongia at similar distance westwards seemed to hold like function by the Waipa. Close to him, on his left, was his own abandoned settlement Kihikihi, where his forefathers' burial-places were now ravaged by the Pakeha. Could he but cross the Puniu he might find shelter in the friendly forests of Rangitoto looming large in the south. But when all looked to him for guidance, prompt action was required. Some accounts state that, as if to deceive the troops and gain time for the fugitives, a Maori, while his countrymen departed, sprung with a white flag on the parapet and was riddled by bullets. One chief, more successful, diverted the English for a few moments. Wiremu Karamoa walked coolly towards the troops and surrendered.<sup>1</sup> Suddenly the truth was known. "They are escaping," was echoed amongst the English. Before the Maoris reached the ridge in rear, on right and left the soldiers converged upon them in the ferny hollow, and many fell under a cross fire in which some soldiers shot their comrades, and it was thought that the Maoris were returning the fire. But Rewi husbanded his ammunition still. The devoted band gained the ridge, thinned in number, but pressing forward like one man. At the base of the outer side of the ridge were a few of the 40th Regiment keeping outer guard. As the Maoris leaped over the old ditch which once protected their plantations a bugler sounded a call. "May I not shoot him?" said one man. Rewi said No: but another Maori as he passed the ditch shot the bugler dead. The swamp was reached. Many of the fugitives gained the mound across the neck of swamp, and there a body of cavalry which had ridden to intercept them, slew, with the aid of the pursuing infantry, considerable numbers, some of whom were women. Wading and plunging through the swamp, and using in their hour of need their treasured ammunition, the main body gained the Puniu river, and escaped after a pursuit which the Brigadier described as lasting "nearly six miles." He regretted that "in the pah and in the pursuit some three or four women were killed unavoidably, (their dress and hair)

<sup>1</sup> Report of Mr. R. C. Mainwaring to Mr. Fox. P. P. 1864.

“rendering it impossible to distinguish one from the other at any distance.” He under-rated the number. Amongst the wounded were found six, and many more were killed and wounded.<sup>1</sup> A report by an interpreter declared—“numbers are wounded, and I regret to say a large quantity of women.” More than a hundred Maoris were found dead, and at the most distant point of pursuit it was seen that the wounded were carried by their friends, while fresh traces of blood in the morning showed that the same occupation was followed during the night. The English loss was 16 killed and 52 wounded. It was hoped that the body of Rewi might be found. The General vainly offered a reward of ten pounds for it. The bodies which were not shattered were recognized by the friendly Maoris who accompanied the English. The fallen were supposed to have been Uriwera, Taupo, and Waikato people. The troops buried their enemies, some at the edge of Orakau, and others on the mound at the south-east where the cavalry had crossed the fliers. The conduct of the troops was highly extolled by the General, who returned at once to Pukerimu. Of the Maoris he said, “They had probably not less than 150 men killed out of a garrison not exceeding 300. “It is impossible not to admire the heroic courage and devotion of the natives in defending themselves so long against overwhelming numbers. Surrounded closely on all sides, cut off from their supply of water, and deprived of all hope of succour, they resolutely held their ground for more than two days, and did not abandon their position until the sap had reached the ditch of their last entrenchment.”

It was soon ascertained that Rewi had escorted his people to Hangatiki and was building a pah there. No man was permitted to enter or leave the district without his permission. Thither Brigadier-General Carey sent a Maori messenger to press the terms of peace offered by the Governor and General. The messenger was not allowed to see Rewi, but was told that the

<sup>1</sup> An English soldier described to the author how an unarmed Maori for some time protected the women and children fleeing with him. As his pursuers approached he turned and knelt down to take deliberate aim. Time after time, without firing a shot, he thus arrested the pursuit while the women fled. At last he was himself shot, and it was found that his gun was not loaded. Some of the women escaped by means of the self-sacrifice of this unnamed Maori hero.

terms could not be accepted, lest faith should be broken as it had been broken with the prisoners taken at Rangiriri. The offers to spare life at Orakau had been refused by Rewi for the same reason. He would not by giving up his arms place himself at the General's mercy, but he was willing to live in peace if unmolested. Sir George Grey bitterly deplored that the obstinacy of the Ministry in refusing to release any of the captives gave strength to the life-despising despair of the Maoris. The grounds of Rewi's distrust reached him a few days after Mr. Whitaker rejected his solicitations for Te Oriori's release. The fall of Orakau and the scattering of Rewi's force left the Maoris at Maungatautiri between two large bodies of English troops. They abandoned their pah. Ten thousand English troops had pulled down the pride of Waikato. The war was over. A generous policy towards the fallen might have touched the hearts of a race of whose conduct, at Orakau, Mr. Fox himself was constrained to say: "Does ancient or modern history, or our own rough island story, record anything more heroic?" As on the west coast, where Major Butler left no Maori cultivation within 20 miles of Taranaki, so in Waikato and elsewhere, where war was waged, crops were destroyed and property taken without stint. Ruthless waste was admitted to be the only way by which the subjugation of the natives could be effected. Those who could not be conquered or captured might be starved.

Against the king-maker, Te Waharoa, the Ministry had a deep grudge, and as he had influence near Tauranga it was determined to prosecute the expedition which, in February, had been suspended in opposition to the wish of the Ministry. But, though suspended, it had excited the Maoris. Major Whitmore reported in April that the younger and worse-disposed natives had gone from Hawke's Bay to Tauranga. They were emulous of the ghastly distinction won by their countrymen at Orakau. They resented the blockade of the coast. Friendly chiefs were anxious to raise forces to assist the English, and Major Whitmore asked if he might raise a native contingent. If they objected to war against Waikato they would fight elsewhere. Major Whitmore's belief in their pugnacity was confirmed two days after the date of his letter. The Maoris (Ngaiterangi and others) had advanced to their frontier, and built near the boundary of the Church

Missionary land a pah, at Pukehinahina, called afterwards the "Gate Pah," because, being on a ridge, with a narrow swamp at each side, it served as a passage from English to Maori land. It was about three miles from the mission station at Tauranga. There they waited to defend their territory. Fully expecting to be attacked, they sent (28th March) a protocol to the Colonel in command, announcing that unarmed persons, and even a soldier who turned to the enemy the butt of his musket or hilt of his sword, would be spared. On the 21st April, General Cameron transferred his head-quarters to Tauranga. On the same day, near Fort Maketu, Major Colville (43rd Regiment) reported an ambuscade laid and an ensuing skirmish, in which the friendly Arawa aided the troops. On the 26th, the General reconnoitred the position from the sea. On the 27th, the enemy fired upon the English fort. H.M.S. 'Falcon' and the 'Sandfly' arriving, shelled their position, and followed the Maoris along the coast for twelve miles. The commander of the native contingent, Major G. D. Hay, pursued by land. On the 28th, the land force being about 400, which was the estimated strength of the enemy, there was an engagement at Matata, near the river Te Awaoteatua, in which the English allies were successful. Major Hay reported that the Arawa behaved very well. More than 50 of the enemy were found dead, and it seemed that the Ngatiawa and their allies were effectually broken. On the English side there were few casualties. A captured chief was assured by Captain McDonell that his life was in no danger; but the widow of a chief slain in the English ranks openly walked up to the captive and shot him dead. On the 27th, the General reconnoitred the Gate Pah, and moved thither a large body of troops. On the 28th, he had assembled a force of about 1700 men in front of it. He had one 110-pounder, two 40-pounders, and two 6-pounder Armstrong guns; two howitzers, two mortars, and six cohorn mortars. In the evening it was ascertained that the swamp on the enemy's right might be passed safely, and while a feigned attack was made in front, Colonel Greer, with about 700 of the 68th, succeeded in taking up a position behind the enemy to prevent escape. About half a mile in their rear Colonel Greer, in the dark, heard the Maoris talking in their redoubt. The guns and mortars were put into position in the night. Soon

after daybreak on the 29th, fire was opened in front. On a ridge about 80 feet in height and 250 yards wide, abruptly falling on each side at first, and then sloping on sandy pumice formation on each flank to a narrow swamp in a gorge, was an oblong palisaded redoubt, guarded by an entrenched line of rifle-pits between the side-faces of the redoubt and the swamps. Within, the rifle-pits were horizontally covered with sticks and fern, and earth heaped above. Under the roof was space for loopholes. The redoubt was about 70 yards wide by a depth of 30. About 100 yards in the rear, as if to invite the English to fire in the wrong direction, was planted the Maori flagstaff. For about two hours the stratagem was successful, but then a mingled torrent of shot and shell hurtled amongst the Maori earth-holes. The Maoris made no sign, except when one of them coolly shovelled up earth to repair a partial breach. Trained soldiers marvelled at the time, as all who have visited the spot have marvelled since, at the daring of those dusky warriors. At noon it was found that a gun could be moved across the swamp on the enemy's left to high ground. Thence an Armstrong six-pounder enfiladed the Maoris, and drove them from the left of their position. The firing won the General's approval throughout the day, and at four o'clock he ordered the assault, "a practicable breach" having been made. This time, at least, the Maoris were thought to be doomed. There was daylight to kill them by, and Colonel Greer was in the rear to intercept fliers. One hundred and fifty seamen and marines, and an equal number of the 43rd, under their Colonel, Booth, formed the assaulting party. A detachment of 170 men was extended as near as possible to keep down the fire from the rifle-pits, and follow the column into the work. Three hundred men formed the reserve, under Captain Hamilton of H.M.S. 'Esk.' The winding ridge (commanded only on one side by the Maoris after they had been driven in from their left) protected the assailants. When the bombardment ceased, and a rocket gave signal for the assault, Colonel Greer moved his men close to the rear of the pah. The breach was gained; Colonel Booth and Commander Hay led the way. As they dashed into the inner trench hardly an enemy was to be seen. In the earth-covered rifle-pits and passages, which had sheltered the Maoris during that iron hail of ten

hours' duration, they were still concealed from sight. But they saw the English, and jets of smoke from right and left told a deadly tale as gun after gun brought down the confused assailants. The fort, which hardly had room for its defenders, bore a thickening crowd, who poured into it merely to be shot. The check sustained was seen from without. The reserve plunged forward to support their comrades, but in vain. In that imminent and deadly breach the officers of both services threw away life like smoke-wreaths rather than quail. Captain Hamilton "fell as he led in the reserve." Colonel Booth and Commander Hay, R.N. had fallen. Captains Hamilton, Glover, Mure, Utterton, and two Lieutenants, all of the 43rd, were shot dead or wounded in that fray so that they died. Captain Glover was seen on the ground. His brother, a Lieutenant in the same regiment, was carrying him to a place of safety, and was shot. Both died of their wounds.<sup>1</sup> The Maoris at such close quarters seldom missed, and to miss then would have left them at the mercy of the bayonet. In a few minutes scores of the English were laid low. Stunned and panic-struck their comrades broke and fled. As they went they took no advantage of the ground, but were shot on the open surface of the ridge. No man could account for the disaster. Some said that by mistake, in the din and the rattle of musketry, the word "retreat" was heard and acted upon. Some said that the main body of the Maoris had rushed to the rear, had encountered the 68th,—recoiled; and, dashing back to the redoubt to sell dearly the lives they could not save, were thought by the astonished soldiers to be a Maori re-enforcement, sprung as by magic on the scene. The Maoris must have known that escape was hopeless, and it does not appear that they sought it before beating back the assault. Panic knows no law but disorder. The General could report but not explain. "Captain Hamilton was shot dead on the top of the parapet while in the act of encouraging his men to advance, and in a few minutes almost every officer of the column was either killed or wounded. Up to this moment the men, so nobly led by their officers, fought gallantly, and appeared to have carried the position, when they suddenly gave way and

<sup>1</sup> They were brothers of Captain Glover who distinguished himself in Ashantee in 1874.



fell back from the work to the nearest cover. This repulse I am at a loss to explain otherwise than by attributing it to the confusion created among the men by the intricate nature of the interior of the defences, and the sudden fall of so many of their officers." The Maoris leapt forward to the work of slaughter. One of them exposed himself openly on the parapet and taunted the fliers as he fired, inviting them to renew the assault. Two of the 43rd were brained by tomahawks. The General, on reaching the front, determined not to renew the assault until morning, but threw up a line of entrenchment within a hundred yards of the fatal fortress.

Colonel Greer's movements are clearly related by himself. At daybreak he heard the besieged singing and dancing in their pah. A little disturbance was created in his ranks by the success of the Maori device in placing their flagstaff in rear of their work. The casualty list showed three of his men wounded by shells. Once or twice during the day he thought the Maoris were disposed to break away to the rear, and, when the assault began, he drew so close as to make escape impossible. "About five o'clock, p.m., the Maoris made a determined rush from the right rear of their pah, I met them with three companies, and after a skirmish drove the main body back: about 20 got past my right, but received a flank fire from Lieutenant Cox's party (68th, 60 men), and Lieutenant Hotham's (30 men) Naval Brigade, and 16 of the Maoris were seen to fall; a number of men pursued the remainder. By the time I had collected the men again and posted them it was very dark. My force available on the right was quite inadequate to cover the ground in such a manner as to prevent the Maoris from escaping during the night; in fact I consider that on such a dark wet night as that was, nothing but a close chain of sentries, strongly supported round the whole rear and flanks, could have kept the Maoris in; and to do that a much stronger force than I had would have been necessary. During the night the Maoris made their escape. I think that, taking advantage of the darkness, they crept away in small parties, for during the night every post either saw or heard some of them escaping, and fired volleys at them. The Maoris, careful not to expose themselves, never returned a shot during the night, but there were occasional shots fired from the

pah, no doubt to deceive us as to their having left it." How they left no one knew at the camp of the General. After they had poured their volleys upon the flying troops they made no sign of abandoning their post. Those who knew the voice of the chief Rawiri heard him calling to the soldiers to come on. In the pitchy night which ensued, either by the right rear or by stealing through the fern on their right flank, the garrison passed silently away, leaving, as was rarely the case, wounded and dead behind. Wounded prisoners told that some had been carried away even on this occasion. The tale was strange; but everything about the Gate Pah was equally so. The network of rifle-pits and underground passages, of which the English had become masters, had cost them the lives of 10 officers and 25 non-commissioned officers and men, while 4 officers and 72 of other ranks were wounded. Yet "not more than 20 dead and 6 wounded Maoris could be found in and about their position," and of them but few had been hurt by Armstrong guns or shell. It was said that no English regiment at Waterloo had lost so many officers as the 43rd lost at the Gate Pah. The General's official report that the assault began at four o'clock and Colonel's Greer's statement that the Maoris made their sally in the rear at five o'clock, refute the idea that the return of the Maoris to their pah turned the tide of battle within it. The storming party had been driven back 45 minutes before the sally was made. It seems that having repelled the assault, and perhaps presuming that the English, under Colonel Greer, would be discouraged, the Maoris resorted to their usual tactics of abandoning their stronghold after inflicting loss upon the enemy, but that Colonel Greer's readiness compelled them to escape by night. When Mr. Smith, the Civil Commissioner, entered the pah in the morning, he believed the statement of a wounded Maori that less than 200 men had defended the work, "as it did not appear 'capable of holding more.'" The dead English had neither been stripped nor mutilated. They had been kindly treated. Among the Maori garrison was Henare Taratoa, who had been educated under Bishop Selwyn at St. John's College prior to 1853. He tended one of the English wounded who, in his dying agonies, thirsted for a drop of water. The Maoris had none. Taratoa threaded his way through the

English sentries in the darkness, and returned with a calabash of water to slake his enemy's thirst. By the side of each wounded Englishman there was found in the morning some small water-vessel, placed there by the Maoris before they departed from their fort. In recognition of their chivalry the few Ngaiterangi prisoners were afterwards released by Sir George Grey. The dying Colonel Booth was carried out of the pah in the morning. The General went to him; but the gallant soldier felt the repulse so deeply that he turned away his face, saying: "General, I can't look at you. I tried to carry out your orders but we failed." He died in the evening.

The English dead were buried in the mission burial-ground at Tauranga on the 2nd May, amid feelings which have seldom harrowed a British force, for many of the men burned with shame for the repulse, and were stunned by grief for their comrades. Within a separate enclosure, about 30 yards by 20, in that cemetery, may be seen to this day an obelisk inscribed on three sides. One inscription tells that Colonel Booth, Captains Glover, Mure, Hamilton, and Utterton, and Lieutenant Glover and Ensign Langlands fell at the Gate Pah. Another tells that Serjeant-Major Vance and a bugler, James Blackwall, with eleven privates, are interred there. The third is in memory of two corporals and four privates, who fell in a subsequent action at Te Ranga. A separate tomb tells that Captain J. F. C. Hamilton, of H.M.S. 'Esk,' "fell in the assault on the Pukehinahina (Gate) Pah." In the same enclosure there are other graves and memorials of those who at different times were killed or died in the district. The enclosure, with the cemetery of which it is a part, is on the site of what was once a strong pah, on a low promontory, steeply scarped by the hands of Maoris. Ditches and high embankments intersecting the plateau show that the pah was once a formidable work.

Wars of old time with spears and clubs, and the wanton sacrifice of life at the Gate Pah, arouse melancholy reflections in the traveller who stands on the promontory and looks across the peaceful waters of the bay to the pyramid of Mongonui, standing like a lonely guard athwart the entrance to the harbour. At Mongonui, within the memory of white men, one of the savagest Maori slaughters had taken place. The murderous

native wars were practically extinguished by Christianity, and the land might have had peace but for the pestilent injustice enacted by Governor Browne and his advisers. The slaughter at the Gate Pah would not have taken place if the Whitaker Ministry had not wantonly promoted the Tauranga campaign. If General Cameron had been content to occupy the front and rear of the Gate Pah English blood need not have been shed there. The Maoris must have surrendered, or ventured at disadvantage to pass the English lines. As usual, the Maori allies had endeavoured to dissuade the General from the assault. Wi Patene and others, friendly to the English, obtained permission to bury the Maori dead. Mr. Smith, the Civil Commissioner, with 18 natives, on Sunday (1st May) interred the bodies within the mission boundary near the Gate Pah,—Archdeacon Brown reading a portion of the funeral service. A mound was raised to mark the common grave. Except to prove what required no further proof—Maori valour,—the defence of Pukehinahina was idle. It could not check the English advance. Wi Patene and other friendly chiefs proposed to communicate with the rebels and urge submission. The General declined to authorize such overtures. If the rebels desired to make any, they might communicate with him. Wi Patene admitted that the General's reasons were satisfactory.

The Maoris did not retreat far. It was rumoured that they were fortifying a position in the hills at the head of the Wairoa. But the spirit of presumption was upon them, and Maori allies warned the English of their movements. On the 21st June, Colonel Greer heard that they were commencing to build a pah at Te Ranga, a few miles from the scene of their recent struggle, and he resolved to attack them before they could build palisades or construct shell-defying burrows. He marched to the spot with a force of 600 men, enfiladed them from a spur which commanded their right, drove in their skirmishers, kept up a sharp fire for two hours; and, when re-enforced by a gun and 220 more men, sounded the advance upon the position, which consisted of a ditch four or five feet deep. The 43rd, 68th, and 1st Waikato Regiments carried the rifle-pits with a dash, the Maoris firing vigorously but as usual too high. For a few minutes they fought desperately, then turned and fled, leaving 68 dead in the

rifle-pits. The pursuit was keen. The 43rd avenged their loss at the Gate Pah. One hundred and eight<sup>1</sup> Maoris were killed, 27 were wounded, and 10 were made prisoners. Henare Taratoa, the humane hero of the Gate Pah, was amongst the killed. On his body was found a written order of the day for war. It began with prayer and ended with the words, "If thine enemy hunger, feed him; if he thirst, give him drink." The English loss was 10 killed and 40 wounded. The dead Maoris were thrown into the rifle-pits dug by themselves the day before. The bayonet was the death-dealing weapon in the pits. A corporal of the 68th transfixed a Maori, who at once coolly seized the corporal's rifle with one hand and was endeavouring, tomahawk in hand, to cut down his enemy with the other, when a serjeant saved his comrade with a second bayonet. One Maori was brought in calmly smoking his pipe. On throwing open his blanket for the surgeon's inspection he showed four bullet-holes and five bayonet wounds through his trunk and thighs. Mr. Meade, R.N., saw him recovered and walking some months afterwards. Rawiri, who had invited the English to renew the assault at the Gate Pah, and almost all the notable chiefs, were among the killed. In his hurried account, written on the spot, Colonel Greer said: "I must not conclude without remarking on the gallant stand made by the Maoris at the rifle-pits. They stood the charge without flinching, and did not retire until forced out at the point of the bayonet."<sup>2</sup>

Success so crushing touched, if it did not soften, the heart of one at least of the Ministry. Mr. Fox wrote in after years that the annihilation of the tribe was so complete, that when (in July and August) the survivors submitted, "they were truly a

<sup>1</sup> N. Z. P. P. 1864. E. No. 3, p. 81.

<sup>2</sup> Sir George Grey wrote to the Secretary of State (1st July, 1864): "Colonel Greer tells me that no thought of yielding possessed the natives—that they fought with desperation, and when at length compelled by the bayonet to quit the trenches in which they left more than a tenth of their number dead, it was strange to see them slowly climb up, and, disdaining to run, walk away under a fire that mowed them down, some halting and firing as they retired, others with heads bent down stoically and proudly receiving their inevitable fate. He adds in speaking of Rawiri their leader, who was amongst the slain—'Poor Rawiri was a brave man, and behaved like a chivalrous gentleman towards me.'"

miserable remnant, on whom it was impossible to look without feelings of the deepest commiseration and pity." On the 5th August, Sir George Grey, with General Cameron and two of his advisers, met all the natives. They had previously surrendered their arms to Colonel Greer. They now surrendered their lands. Sir George Grey promised to care for them as the Queen's subjects, and to release all prisoners of their tribe, in consideration of the chivalrous manner in which they had carried on the war. The Maoris expressed their gratitude. They ceded all their lands, and the Governor retained one-fourth as an atonement for rebellion, returning the remainder in recognition of the humanity of the tribes. The loss of Tauranga was the final blow to the Waikato tribes. It had afforded their most available seaport; and through it warlike contingents found their way from the east coast to Waikato. Strategically the campaign was effective; but he who is free from prejudice or lust for the land of the conquered may agree with the words, though not the feelings, of Mr. Fox in his equivocal defence, which declared that the "occupation of Tauranga was as fully justified as any other movement of the war."

In the king-maker's mind no doubts existed longer. The Maoris, unless united, had no prospect of success. They were not united; and some of the most powerful tribes were arrayed against the patriot or rebel party. He was willing to bow to the stroke of fate. Burial-places rifled for green-stone treasures—cattle destroyed or eaten—maize and potato crops consumed—peach-groves cut down, or burnt; consequent starvation or distress: these were fruits of the war which the more impetuous Maoris had courted, and which, if they had not courted it, Whitaker and his friends were determined to bring about, as soon as they could command English blood and treasure with which to wage it. They had denied that land was their object. They had repelled the arguments of Sir William Martin, Archdeacon Hadfield, and others, who had shown that the Maoris could look upon the conduct of the English as arising only from lust for land; and now that success had crowned the arms of England, they proceeded to prove by their conduct that Sir William Martin was right.

It is difficult to imagine how any number of men, conversant

with the rules prevailing in English society, could conduct themselves as Mr. Whitaker and his colleagues comported themselves towards the representative of the Crown with regard to the Maori prisoners. When tidings came that the treatment of the prisoners rankled in the minds of their countrymen, and intensified the horrors of war at Orakau and elsewhere, Sir G. Grey (4th May) asked his advisers to agree to the appointment of a Board, to inquire whether the prisoners could be maintained on board the hulk in the winter, and the Ministers then proposed to yield to his anxious desire that the Maoris generally might know something of the probable fate of the prisoners. They suggested that it should be announced that only loss of personal liberty would be inflicted until peace might be made, when allotments of land would be given; and that two, not important chiefs, should be allowed to go on parole to explain their position to the tribes. The Governor replied, that as after so long deliberation the Ministry had determined upon such a course, it would be well for them to carry it out. It would still be competent for the Secretary of State to convey any commands of Her Majesty varying the amount of punishment.

At this period the disasters at the Gate Pah were announced, and the Governor was about to proceed to Tauranga (10th May), when the Ministry asked him to sign blank passes for two chiefs to be selected as emissaries, on parole, to announce to their countrymen the intention of the Government with respect to the prisoners. Sir George Grey trusted the Ministry would excuse him from signing such papers for uninfluential chiefs. "It was against the judgment of the Governor that these prisoners and their friends were left so long without a guarantee of what their punishment was to be. It is equally against his judgment, that at the present moment, after our heavy losses at Tauranga, such a communication as is proposed, carried by such messengers, should be conveyed to the natives now in arms. In assenting to the Executive Government carrying out by their own action the course they have determined to adopt, the Governor thinks he has done all that can be required of him." Mr. Fox signed passes, and Sir George Grey enclosed them to Brigadier-General Carey in Waikato; but the mission was unproductive. The appointment of the Board of Inquiry upon the hulk caused



much correspondence. The relations which the Ministry desired to establish may be gathered from one fact. On the 23rd June, in reply to an interrogation, the Governor learned for the first time from Mr. For that Te Oriori had been put upon parole. Mr. Fox justified his reticence by arguing that the Ministry thought that in telling the Governor nothing about the chief for whose release he had vainly pleaded, the "Ministers in acting as they did thought they were conforming to his Excellency's views."

At this juncture, when the slaughter at Te Ranga seemed to place unlimited power of rapine in the hands of the Ministry, there sped across the sea a despatch which showed that English honour was more safe in the hands of Mr. Cardwell than in those of his predecessor. The Settlements Act which Mr. Whitaker had pronounced essential to the well-being of the colony furnished the text. Mr. Cardwell did not dispute the right of the Colonial Government to extort from the insurgents some aid in defraying the expenses of the war, but the expenses had been borne mainly by England, which had therefore a right to require that the cession or confiscation of territory should not be carried further than was consistent with the permanent pacification of the island and the honour of the English name. As for the Settlements Act itself, the Duke of Newcastle pointed out in 1863 the difficulties incident to forming military settlements, and the reprehension with which the English Government would view measures tending to intensify disaffection. "I need scarcely observe" (Mr. Cardwell said) "that the Act now forwarded, taken in combination with the scheme proposed by your Government, exhibits a rapid expansion of the principles in which the Duke of Newcastle acquiesced with so much reserve. . . . Considering that the defence of the colony is at present effected by an Imperial force, I should perhaps have been justified in recommending the disallowance of an Act couched in such sweeping terms, capable therefore of great abuse, unless its practical operation were restrained by a strong and resolute hand; and calculated if abused to frustrate its own objects, and to prolong instead of terminating war. But not having received from you any expression of your disapproval, and being most unwilling to weaken your hands in the moment of your military success, Her Majesty's Government have

decided that the Act shall for the present remain in operation. They are led to this conclusion not merely by a desire to sustain the authority of the local government, but also in no small degree by observing that no confiscation can take effect without your personal concurrence, and by the reliance which they so justly place on your sagacity, firmness, and experience, and your long-recognized regard as well for the interests of the colonists as for the fair rights and expectation of the native race." Mr. Cardwell was wise enough to foresee that not confiscation but cession of land should be aimed at. It was desirable that the proposed appropriation of land should take the form of a cession imposed by the Governor and General Cameron upon the conquered tribes, and made by them as a condition on which Her Majesty's clemency should be extended. If this should be found impossible, the Governor might bring the Settlements Act into operation subject to reservations. The Act must be limited in duration by an amending measure. A duration of two years from the original date of enactment would afford time for inquiry as to extent, situation, and justice of the forfeiture, and yet relieve the conquered from protracted suspense, while assuring friendly natives that there was no desire to disregard the ordinary principles of law. The aggregate extent of forfeiture should be at once made known. A Commission not removable with the Ministry should inquire what lands might properly be forfeited. The Governor's concurrence in the forfeiture was not to be a mere ministerial act, but to be withheld unless he should be satisfied that the confiscation was just and moderate. "In the absence of those legal safeguards which furnish the ordinary protection of the vanquished, the Imperial and Colonial Governments were bound to adjust their proceedings to the laws of natural equity, and to the expectations which the Maoris had been encouraged or allowed to form," so that it might be plain to them that the Europeans were "just, as well as severe." To confiscate for European use the most valuable land, and drive the original owners to forest and morass, would convert the Maoris into desperate banditti, emerging from their fastnesses to destroy the peaceful fruits of industry. "I rely on your wisdom and justice to avert a danger so serious in its bearing on the interests of the European not less than of the

native race. Turning to that part of the law which authorizes the dispossession of persons who have not been involved in the recent rebellion, I have to observe that though Her Majesty's Government admit with regret that the tribal nature of the native tenure will sometimes render it unavoidable that innocent persons should be deprived of their lands, they consider that land should not be appropriated against the will of the owners merely because it is in the same district with rebel property, and may conveniently be used for purposes of settlement, but only in cases where loyal and neutral natives are unfortunate enough to be joint owners with persons concerned in the rebellion, or because it is absolutely required for defence or communication, or on some similar ground of necessity. But every case of supposed necessity should be examined with the greatest care, and admitted with the greatest caution and reserve. . . . I trust that in accepting any cession, or authorizing confirmation of any forfeiture of land, you will retain in your own hands ample power of doing substantial justice to every class of claimant for restitution or compensation." Finally, cessions having been received, the Governor would do well to accompany his justice and severity by announcing a general amnesty, excepting only the murderers of unoffending settlers, or other heinous criminals concerned in outrages to be specified in the proclamation. Subject to these cautions and conditions Her Majesty's Government would leave in the hands of Sir George Grey the power entrusted to him by the Act. In the same despatch the consent of the Imperial Government to guarantee a large portion of the New Zealand loan was announced, and a hope was expressed that by reason of General Cameron's operations, and the Colonial Administration, peace might be procured, the troops be withdrawn, and the blessings of order restored to the colony.

It has been needful to give an epitome of Mr. Cardwell's instructions, because Mr. Fox, in his 'History of the War in New Zealand,' denounced them as "directing things to be done which were physically impossible, and others to be attempted which were palpably absurd, and which, if attempted to be carried out, could operate in no other way than to upset the plans of the Colonial Government." It seems not to have occurred to Mr. Whitaker and his colleagues that, if their designs were unjust or

dishonouring to British fame, they deserved to be overthrown. The "natural equity" to which Mr. Cardwell appealed dwelt not within their breasts. Mr. Cardwell's announcement that he looked to the Governor, as representative of the Imperial Government, to decide the fate of prisoners of war, arrived a few weeks later, but the despatch of the 26th April made it clear that on so vital a point the Secretary of State would speak with no uncertain sound.

Sir George Grey gratefully accepted an offer made by the Ministers to surrender the prisoners to his care, (on conditions, one of which was the cost of maintenance,) and concerting his plans with the General, ordered that the prisoners should be taken charge of by the military authorities, undertaking that the Imperial Government should refund all expenses legitimately incurred by the imprisonment, and assume future responsibility. But Mr. Fox (25th June, 1864) wrote: "While, therefore, they yield to the pressure which his Excellency brings to bear upon them, Ministers felt bound to state" that the release of the prisoners as a body would be unwise. The Ministry could "only conclude that his Excellency is determined to carry out his views regardless of his responsible advisers." Further difficulties arose. The Ministry took umbrage at the Governor's statement that one Maori had been imprisoned under a misunderstanding, and that inquiry would show that other innocent persons were in the hulk; but eventually (12th July) Sir George Grey having proposed that the prisoners should be located at Kawau, an island belonging to himself, Mr. Fox wrote: "All that Ministers can say at present is that they enter very cordially into the proposal, and will be prepared to give every assistance in their power towards carrying it into execution."

To Kawau, an island about thirty miles from Auckland, the prison-hulk was taken on the 2nd August. The Rev. Mr. Ashwell, a missionary who had been expelled from Waikato by the Maoris, was placed there. The natives were to be allowed to cultivate the land, and their settlement was to be managed like a Moravian mission-station. By order of Mr. Russell, the Defence Minister, the military guard was withdrawn on the 2nd August. A written promise not to go away without leave was to be obtained from the prisoners. In the hurry of affairs Mr.

White, of the Native Department, who had been Interpreter and Superintendent of the captives in the hulk, omitted to obtain the written promise. For some weeks all went well. On the 6th September, Mr. Fox said: "Ministers are satisfied with the arrangement lately made for the custody of the prisoners by their removal to Kawau." He wrote thus in a document in which the Ministry protested against Mr. Cardwell's ruling, that the Governor should determine, subject to positive law, the fate of prisoners of war. They denounced any attempts to withdraw responsible government piecemeal. Sir George Grey transmitted their protest to Mr. Cardwell, with a despatch shown to his Ministers, in which he declined, while responsible for what was done, "to act as their servant to carry out that which I know to be illegal, and believe rightly or wrongly to be such as will reflect discredit upon our name." The Ministry had not dealt with this rejoinder when Auckland was electrified by the escape of the prisoners in a body to the mainland, on the night of the 10th September. H.M.S. 'Falcon' arrived at Kawau the day before they escaped. Some persons said that the ball-practice in which her men were engaged was thought by the Maoris to be the beginning of the end. Rumours were rife that if war should be renewed in Waikato the prisoners were to be put on board the hulk, and sunk at sea. The sword was over the heads of all, while none knew who might be selected to be tried for offences which their enemies might call murder. In the raids made in the Auckland district, settlers had been killed in the early part of the war, and for their deaths it was known that vengeance would be exacted, notwithstanding the fact that at Rangiaohia Maori women and children had been burned. In refusing to let the prisoners know who was to be tried and who merely detained till the close of the war, the Ministry had kept the axe at the throats of all. The escape of such men constituted a danger to all Europeans. They were more than 200 in number. They might determine to sell life dearly rather than surrender. Nay, they might slaughter all they could find.

Sir George Grey was informed of the escape on the night of the 11th. On the 12th, with Mr. White, the Superintendent at Kawau, he was at the scene of escape. The fugitives had landed at Waikauri, left the boats on the shore, and marched to

the ranges. They had spades, hatchets, and a few double-barrelled guns. Sir George Grey sent Mr. White with Te Oriori, two other natives, and a European, upon their path. On the 14th they were found. They received their visitors politely. Mr. White was seated in the centre of their encampment. After silence for a quarter of an hour Tapihana bade them welcome, but declared he would not go back. Te Oriori gave the Governor's message. They had done wrong. The speaker urged them to return. Other fugitives spoke. Tapihana, who mingled eager action with rapid words, admitted that the escape was a wrong; but fear was the cause of it. They concluded they were in peril when the man-of-war sailed round the island and fired. Such a thing had not happened before. They only wanted to be free. They would molest no Pakeha. They would resist force. Some appeared willing to return, but loth to do so in opposition to their comrades. Te Oriori, whose infirmity of purpose the Ministry had dreaded, showed no vacillation. He returned with Mr. White, and the refugees remained on the top of the hill Omaha. They received all visitors kindly. They were supplied by neighbouring natives with food. When they visited a shop they went in small armed parties.

The Ministry blamed the Governor. They were at the time indignant at his declining to sanction the confiscation they had proposed. Fox wrote (30th September): "A course of action on the part of his Excellency, which he has been pleased to term 'generous' towards the prisoners, has terminated in their escape, and in a very serious complication of the difficulties of the colony. In the mean time, while so much generosity is shown towards the Maoris taken in arms, his Excellency's sympathy is withheld from the unfortunate English colonists who have been driven from their homes and reduced to ruin; and the Colonial Government is unable to provide for their reinstatement, or to compensate them for their losses, because his Excellency declines to confiscate the lands of those who have inflicted so much misery upon them. His Excellency appeals to the judgment of posterity: he cannot mean the posterity of those who are thus left in destitution while a morbid and unaccountable sympathy is extended towards rebels, who have shown the most marked ingratitude." The minutes which passed between the

Governor and his advisers are wearisome to read. Matiu te Aranui and other chiefs became patrons of the fugitives, and enigmatically invited neighbouring tribes to send their thoughts. Old Tirarau, the Ngapuhi chief, showed the one sent to himself, and impounded others forwarded to his care, and handed them to the Government. Sir George Grey urged him not to believe false reports, nor waver in his confidence in the justice of the English. Seventy-two of the European settlers at Matakana earnestly petitioned the Government. They averred that the prisoners were building a strong pah in their immediate neighbourhood; that armed natives from all quarters were joining them, and Europeans were excluded from their fortifications. Immediate protection was asked for. The petition was received on the 8th October.

The state of New Zealand in 1864 was singular. The colonists had no enemies at the north of Auckland. There were nearly 20,000 soldiers and colonial forces under arms in the colony. Two hundred prisoners fled to the north of Auckland, settled on the top of a hill surrounded by colonists and by Maoris friendly to the English, and the Governor and Government knew not how to deal with them. So prompt and expert were they in field fortifications, so daring in battle when they had chosen their ground, that great carnage of the whites was expected from a declaration of war against the runaways.

The settlers' petition was sent to the Governor. He thought the case one in which he was bound to receive advice. Mr. Fox could see no "substantial difference between prisoners in custody and prisoners who have been admitted to parole and broke it." The matter was very complicated, and Ministers were "at a loss what to recommend." As a preliminary step they asked if it was "possible to capture the late prisoners by a military expedition, and if so, whether Her Majesty's naval and military force would be available for the purpose." Sir George Grey recommended that precautions should be taken "in a manner that may draw no more attention to the Maoris at Omaha than is absolutely necessary." He was meanwhile ascertaining their intentions. It had been suggested to him to offer the runaways a safe-conduct to Waikato. Would the Ministry consent? On the 11th October they consented. The Governor said it was



doubtful whether the refugees would accept any terms, if they could hope to create war in the north, but pointed out that a pardon and promise of land at Waikato (their own country), which Ministers might "intend to assign them," would be one method of arranging with them. "The more thoroughly just the offers to them are, the better position the Government will occupy in these matters." Mr. Fox (12th October) was nettled at this allusion to justice. "The Ministry were wholly at a loss to understand it." The Governor's conduct had complicated matters. His Ministers would not relieve him from responsibility, nor "share it with him; more particularly at this moment, when their resignations have been nearly a fortnight in his Excellency's hands." They would advise on any proposal made by the Governor. "But if his Excellency wishes that land should be given to the prisoners in Waikato, Ministers have only to observe that the Government does not possess any land in Waikato, nor even if they did would they consider it just to use part of it for this purpose while their pledges to military and other settlers remain unredeemed." Sir George Grey (12th October) replied that he thought he had done nothing to complicate matters, but he would carefully abstain from all action in the matter for the future." . . . "From his own responsibilities he will neither shrink nor ask any one to share them; but his Ministers must bear theirs until they are in due course relieved from office." He would afford them all the aid in his power. "It is a time when all energies should be united in meeting a common peril." The plan finally agreed upon would be aided by Her Majesty's forces. On the 13th October the Ministry declaimed against such an unintelligible system of responsible government. The Governor had negotiated, had failed, and then, too late, asked for advice. Under ordinary circumstances such a course would lead to resignation of Ministers. "In the present case the resignation of Ministers has been placed in his Excellency's hands on that very ground among others, his Excellency having expressed his determination to issue a proclamation against their advice." These bickerings neither allayed the fears of the settlers, nor removed the prisoners from their eyrie at Omaha. On the 12th October, they wrote to the Governor that they would not go back to Kawau,—would do no mischief,

—but would resist force. He had heard privately that they were inviting their friends to send small vessels to carry them away.

Captain Cooper went to the pah with a Maori friend. He found the runaways determined. They would interfere with no Pakeha unless soldiers were sent against them. In that case they would plunder and kill settlers, women, and children. Government, they said, “desired to take all the land from the Maoris, and therefore it did not matter if they were all killed.” “Your Excellency” (wrote Captain Cooper) “will have to feed them on the mountain, or starve them out of it. They appeared to have a strong feeling against the Government.” The Ministry on the 15th October recommended, through Mr. Whitaker, that terms should be offered. To do so was humiliating, but justifiable rather than war in the north of Auckland, “of which no man can see the end or results.” No time was to be lost, and the terms recommended (18th October) were free passage to Waikato or elsewhere, residence on land to be arranged for, with freedom from molestation so long as they might not interfere in the war—and a title to such land at the end of war if they desired one. If they would not accede to these terms, force ought to be used to dislodge them from their menacing position. Mr. Fox, on the same day, in order further to complicate affairs, asked the Governor “what he conceives the present status of these natives to be, and what their status will be should they voluntarily or by compulsion be again placed in the hands of his Excellency, or of the Colonial Government?” Till they knew his Excellency’s mind on these points it would be exceedingly difficult for Ministers to offer practical suggestions for carrying out the advice given by Mr. Whitaker. Sir George Grey begged that the opinion of the Attorney-General might be taken. Mr. Whitaker declared that “the natives referred to may be condemned as rebels in arms against the Queen’s Government, and that if again placed in the hands of the Governor or Colonial Government they may be tried for their offences.” Transmitting this opinion, Fox said the Governor had misunderstood his request. The Ministry had no doubt as to the *legal* status of the prisoners. Mr. Fox wanted to know how the Governor would deal with them under Mr. Cardwell’s despatch of the 27th June, 1864. Would he release them, confine them as prisoners

of war, or hand them over to the civil authorities to be dealt with as criminals? Sir George Grey doubted whether, on reconsideration, Mr. Whitaker would adhere to his opinion as to the status of the escaped natives. Many of them had previously taken no "part in the rebellion, and are now probably unarmed. No inquiry ever took place as to whether such persons ever committed any offence or were innocent. After several months' confinement, they have run away. It may fairly be questioned whether such men are rebels in arms against the Queen's Government. Others of the prisoners the Governor has always believed to be very desperate characters." He did not doubt that on recapture any of them might be tried for their offences, whatever they might be, and he would "throw no obstacle in the way of the Colonial Government bringing them to a legal trial; indeed he had never done so." Mr. Fox retorted that he had declined on the 19th April to try them under the Suppression of Rebellion Act. The Governor replied that trial under that Act would have been illegal and contrary to equity. Persons might be brought to trial under it by court-martial "at the earliest possible period." The Ministry had not proposed to use it until the prisoners had been four months and a half in captivity. This the Governor could not think just or equitable. If prompt trial had taken place the most guilty would have been punished, as an example, and leniency and generosity to others would have done good. As prompt trial had not taken place the ordinary courts of the country could be resorted to. Mr. Fox replied at great length. Ministers had already declared it "inexpedient to try the prisoners by the ordinary courts of law." He scouted the distinction made by the Governor between "a trial" and "a legal trial." As to trying the prisoners within a few days of their capture, it was clearly impossible. Most of them were captured at Rangiriri on the 21st November, and the Suppression of Rebellion Act was not passed till the 3rd December.<sup>1</sup> The Governor had "fallen into several errors both of law and fact." The Governor retorted that when the General com-

<sup>1</sup> Mr. Fox, though a lawyer, seems to have had no qualms as to the propriety of trying prisoners under *ex post facto* laws; of which class of acts Justice Story declared that their injustice and iniquity constituted an irresistible argument against the existence of the power to pass them.

mended war-prisoners to generous treatment, and Mr. Whitaker proposed after long delay to try them under an Act which could only be brought into operation by the Governor's signature, a case had arisen of direct responsibility to England and the General Assembly. Therefore he declined to accept Mr. Whitaker's advice, and then it was for the Attorney-General or his colleagues to resign. "Had this course been taken many difficulties would have been removed from the Governor's way. But if Ministers did not think it necessary to take this course, then the Governor thinks they became responsible for the course they followed, and that all responsibility for it passed from him." Mr. Fox (25th October) retorted that it was unfair to taunt Ministers for not resigning in April. It did not seem that if they had done so instead of talking about it, "any result would have followed. Their resignations have now been in his Excellency's hands twenty-five days, and he has neither accepted them nor intimated his intention of doing so. They would further remark that they do not understand that under responsible government Ministers are bound to resign whenever the Governor refuses to take their advice. . . . When Ministers arrived at the conclusion that he had made up his mind to abandon the principles he had enunciated in July, 1863, and endeavour to patch up a peace which would be neither stable nor permanent, they lost no time in placing their resignations in his hands, where they regret to know they remain still unaccepted."

A new contention arose. Mr. Fox took umbrage at the Governor's statement that natives suspected by the Native Department of murder, and sent by the Ministry to Kawau, could not be regarded as prisoners of war upon parole. It seemed that Tarahawaiki knew that he was suspected of killing the Merediths, and the Governor naturally thought that the motives of the escaped prisoners must be different from those of ordinary prisoners of war. No inquiry had been properly made as to the implication of the prisoners in the crime of murder. Mr. Fox denied positively that he or any Minister knew that any of the prisoners had committed murder. They "instituted the most searching inquiry whether there were any murderers among the prisoners." Mr. Fox indicted the Governor for making serious charges, out of flimsy materials, against his

Ministers. The Governor had indeed said: "If such an inquiry has been made, it can be stated that such is the case, and that the Governor is in error, and no one will be more ready or willing than the Governor to admit that he is in error, and to express his regret that such is the case." "Ministers," said Mr. Fox, "must decline to accept as an excuse his Excellency's readiness to be convinced of his error if he has made a mistake. . . . One murderer only was discovered, and he was tried and convicted, and there is not in existence a particle of evidence against any other prisoner which would ensure conviction, or committal, or even justify a reasonable suspicion." Such being the case, the reader may wonder why the prisoners were harshly treated. But the admission was made to embarrass the Governor, not to justify the Maoris. He replied by an array of quotations, which in his opinion sanctioned his former statements. It is unnecessary to trace the matter further. It has been followed so far—merely to show the difficulties in which the representative of the Crown was forced by the Duke of Newcastle's ignorant or unwise abandonment of control in matters of Imperial concern. The publication of the papers in New Zealand must have gone far to remove any lingering respect which the Maoris entertained for "the English Committee." In a few words it may be said that the escaped Maoris remained at Omaha for many weeks. They were invited to go to Waikato. After many weeks some went. Some remained with friends in the northern tribes. Mr. Fox insisted that the Governor had done harm, and that the Ministry would have managed better. As it was, no ill consequences ensued,<sup>1</sup> but it was not until April, 1865, that Sir George Grey informed the Defence Minister, then at Taranaki, that the prisoners were "returning to their homes." The staunch Waka Nene never wavered in his loyalty. On the 1st

<sup>1</sup> Captain Cooper, sent by Sir George Grey to invite the fugitives to return to Kawau and remain there on parole till the end of the war, was so indignant at the conduct of Mr. Fox in examining, in Captain Cooper's absence, a Maori clerk who had gone with him as a guide to Omaha, that he wrote a fiery letter, in which he denied that the Maoris were treacherous: "Indeed, I should consider myself much safer in the hands of the worst King-Maoris, even the Ngatiruanuis, than with such men as the Honourable Mr. Fox, who would not hesitate to stab the character of any person politically opposed to him, as he knows me to be, and as I believe he considers every honest man must be."—N. Z. P. P. 1865; F. No. 15.

February, he wrote to the Queen, sending her three New Zealand mats, and a green-stone mere, the symbol of chieftainship. Sir George Grey did not think it judicious to check the old chief's "affectionate loyalty by refusing to forward his present," but the New Zealand Parliamentary Papers contain no recognition by the Secretary of State of the irregular devotion of the chief to whom the English had mainly owed their safety in New Zealand long after the Queen assumed sovereignty there.

Among many graphic descriptions of Maori life and manners, Mr. Meade's journey to Taupo in company with chiefs, some of whom, after escaping from Kawau, returned immediately—took the oath of allegiance, and were allowed by the Governor to rejoin their families—throws light on the state of New Zealand in 1865. Returning to his family was not returning home for a Maori chief. His family was in exile. His home had been destroyed. Mr. Meade, R.N., carried letters from Sir George Grey to the Great Lake, where friendly chiefs felt themselves deprived of countenance from the Government for whose sake they had incurred hatred at the hands of the followers of the Maori king and of the Hau Hau fanatics. Sir George Grey recognized in Mr. Meade the courage and intelligence which fitted him for the dangerous post of emissary, in which he was accompanied by Mr. Brenchley, and by an interpreter, Mr. Mair. The principal chief of the party was Te Poihipi Tukeraingi, ever staunch to the Waitangi treaty, which he had signed on behalf of his father, and highly influential in the Taupo district, where Sir George Grey wished to cultivate friendly feelings. No European had visited it during the Waikato and Tauranga wars. At Maketu the envoys saw the friendly Arawa, ensconced in a pah to protect them from the Ngatiporou. The returned prisoners were entertained by the "tangi" or wail. They stood silent in the midst of their friends, men, women, and children, whose moaning and tears denoted the grief felt during the captivity. In a quarter of an hour the doleful ceremony was over, the returned exiles pressed noses with their entertainers, and ordinary life was resumed. At a runanga, on the 21st December, the loyalty of the Arawas was fervently pronounced. Mr. Meade admired the courtesy of the speakers, and thought it might profitably be imitated in the colonial parliaments. Bitter opposition

to the cession of land by the tribe was shown. One old man stretching forth his arms cried: "Oh that I could thus embrace the land of my forefathers, and gathering it all within my arms keep it whole and safe from the grasping Pakeha!" Even among the English allies the slackening of their hold on their native soil created grief. With a cavalcade of 30 persons and a few followers, Mr. Meade reached Rotorua on the 26th December, 1864, and learned that a Pai Marire priest had arrived with five friends at Taupo, and converted many to his faith. The settlement where the cavalcade was entertained was protected by a double chain of rifle-pits, roofed almost level with the ground, each roof being pierced with loopholes. Passing towards Lake Tarawera the travellers were entertained at Wairoa by no less a personage than a native magistrate, the dashing Te Kepa Rangihwinui,<sup>1</sup> whose bearing and the comfort and neatness of whose weatherboard house they admired. With him and others, Te Poihipi and Mr. Mair had earnest consultations. Revelling in the witcheries of the tepid air and natural warm baths the English travellers did not attend all the debates. Passing onwards, receiving attention due to friends of the Governor, and occasionally saluted with politeness by the Maori king's friends, the embassy reached Tapuaeharuru, the inland home of Te Poihipi, at Lake Taupo, on the 6th January. On the crest of a cliff a large pah was being built for protection against the kingites or the Hau Haus, while on the other hand on the farther shore were settlements and forts owning Te Heu Heu as their lord, and he was hostile to the sway of the Pakeha as his fathers were. Thence Mr. Grace, a Church missionary, had to wander during the Waikato war. He was not ill-treated, but when his congregation held a meeting to decide whether he should be killed on account of murders by the English in Waikato, he thought it prudent to remove temptation from them. For months they kept sacred his house, his property, his live stock. Then came Hau Hau emissaries. The tares they sowed strangled the fruit of the seed sown by Mr. Grace. Pai Marire worship was accepted, and Mr. Grace's property was scattered amongst his late flock, who maintained nevertheless in

<sup>1</sup> Te Kepa, or Kemp as he was called by the colonists, will retain his Maori name Rangihwinui in these pages.



discussion with his friends that distribution was necessary for safety of the goods, which were to be restored to Mr. Grace on his return. Mr. Grace himself joined Mr. Meade's party on the 9th January, bent on re-establishing his mission. He brought ominous intelligence that an Auckland newspaper had averred that Mr. Meade and Mr. Mair had been "sent to find out what the kingites are doing," and that the dangerous belief that they were spies was being circulated amongst the Maoris.

At Waihaha Mr. Meade saw a village nominally belonging to a friendly tribe, but peopled in the main by refugees from the Waikato territory, then laid waste by the troops. A white flag was hoisted to promise friendly reception to the visitors, where the fighting men were drawn up in fighting costume. The Maori followers of Te Poihipi landed from their canoes with a yell, and rushing forward till within 100 yards of their hosts, halted and formed in double line. The Waikato, having crouched in attitude of ambush, sprang to their feet, and in serried rank performed their war-dance, in perfect time, brandishing weapons and stamping as one man, and throwing themselves into every posture indicative of slaughter of their foes. Te Poihipi's followers took their time from him and went through the same wild ceremony. Musketry salutes were exchanged; and the two parties joined together, and indulged in their national welcome. When the ceremony was over Mr. Meade and his companions joined the circle, and were entertained with shaking of hands. Te Poihipi made an oration extolling the treaty of Waitangi, and loyalty to the Queen. Mr. Meade was struck by the pleasing countenance of a fine young chief. He was one of those who ran the gauntlet at Orakau through the English lines. Escaping thence he had joined the Arawas, and fought for the English against the Ngatiporou. He had now rejoined the Waikato exiles at Lake Taupo. Mr. Mair animadverted on his inconsistency in fighting both for and against the English cause, and Mr. Meade heard his reply: "Oh! as to that, fighting is fighting, and we young men don't care much whom it is against." Among the exiles was a woman, Ahumai, whose husband was killed at Orakau, and who herself received there three bayonet and gunshot wounds. Karamoa and Reihana, both captured at Orakau, and connected with the Maori king's followers, were detached by

Te Poihipi to ask Te Heu Heu whether the Englishmen might pass through the native territory between Taupo and the military settlements on the Waikato. Mr. Meade had a letter from Sir George Grey to Te Heu Heu, but was to exercise his own discretion as to presenting it. Mr. Grace, on the 9th January, returned from an unsuccessful attempt to reach his old abode at Pukawa. Lowering looks encountered him, and a former teacher in his school warned him that his life would be in danger at Pukawa. A message was sent, inviting Mr. Grace without companions to his old home; and "the spies," as Mr. Meade and his friends were deemed, were peremptorily forbidden to approach Pukawa or wander on the shore of the lake which owned allegiance to the Maori king. Te Heu Heu was absent, and the travellers awaited his return, or some tidings from Karamoa and Reihana. Te Heu Heu returned more inimical than ever, and it was felt that to send Sir George Grey's letter to him would be useless. The path of the travellers was thorny. They could not descend the Waikato valley without Te Heu Heu's help. They heard that followers of the king had arrived at Rotorua to open the way for the Ngatiporou to send re-enforcements from the east to the king. Rumour said that the king-maker was coming to Rotorua with 400 or 500 retainers. Mr. Meade's return to Tauranga in such a case was impossible, and the brave Te Poihipi and Rangihiwinui would have been overwhelmed. To try a third route to Napier was dangerous, for it led through Maori settlements devoted to the king, and war-parties were said to be in motion there. Te Poihipi objected to Mr. Meade's risking his life on the road to Napier. Three Maori chiefs had gone thitherwards for food for the party, and their failure to return caused apprehensions for their safety. Meantime, the Hau Hau fanatics gathered followers daily. Mr. Meade resolved to find a guide, and, by journeys at night and concealment by day, to dash through the hostile territory, and reach the military settlements on the Waikato river. A Pakeha Maori, connected by marriage with Rewi, was amongst Te Poihipi's friends at Taupo. His wife found a Maori guide in the person of Hemipo. Hemipo's father was an adherent to the Maori king, though the son was loyal to the Queen. Te Poihipi vainly endeavoured to dissuade Meade from taking such a guide on such an expedition.

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On the 27th January, the two horsemen rode from Oruanui, and to Mr. Meade's relief he found that Hemipo understood a few English words. On the same morning, long before day-break, one Ihaka, a native assessor, had ridden before them, bearing a letter warning the Hau Haus on the way that they would not be allowed to pass by Oruanui if they intended to proselytize Maoris or molest the English. Mr. Meade expected to meet the returning Ihaka, whose person was sacred in the character of herald, and to learn from him whether it was safe to proceed. The day wore on, but no herald appeared. Hemipo pointed out smoke rising from cooking fires, and said the Maoris around them were kingites; but the journey was continued without molestation to Tataroa. There the salutation "Pai Marire" told Mr. Meade that he was in the hornets' nest. But Maori courtesy demanded that he should halt to receive hospitality. Ihaka was seen standing with another Maori. Mr. Meade pointed out a red flag flying in the village, and suggested caution, but Hemipo said that as Ihaka was there, there would be no danger. The travellers rode into the open space in midst of the Maori dwellings, and came face to face, not with the usual denizens of Tataroa, but with 150 armed men, whose lowering countenances boded mischief. Hemipo gaily unsaddled his horse, as if he had arrived among friends, but adroitly managed to receive from Mr. Meade, and secrete under his coat, one of Mr. Meade's revolvers. Warm language was heard among the Hau Haus. One of them, flourishing a naval sword-bayonet, approached Mr. Meade; two others followed with guns. The Englishman had his hand on his revolver in his pocket, to make his life dear to the savages, when a powerful Maori, Aokatea sprung forward and drove the intruders back to the crowd. A ceremonial followed, preparatory to the judicial murder of the traveller. Round the Pai Marire flagstaff fanatical worship was carried on. Mr. Meade wondered at his privilege in seeing mysteries he had thought hidden from white men, but learned afterwards that, as he was doomed beforehand, there was no objection to his initiation. He was, indeed, an essential element in the rite. Te Aokatea, who had driven back Mr. Meade's assailant, was high-priest, and wished the infuriating ceremonies to be duly performed before touching the victim. Ihaka told

afterwards that the Hau Haus anticipated Mr. Meade's journey, which had been thought concealed; that they had even threatened the sacred person of the Maori herald, and that he had no opportunity of returning to warn Mr. Meade of danger. There was a crumb of comfort in the fact that one chief, Paora Taki, had made an oration urging that Mr. Meade ought not to be molested, because the Hau Hau ought not to offend the tribes through whose territory they desired to pass in their own expedition. Paora Taki's speech was finished just as the arrival of the Pakeha was announced. On the prophet's flagstaff floated high the war-flag, a red pendant with white cross. Beneath, a black and blue large flag, with a red border, bore on the black part near the staff another white cross. Another red pendant with a St. Andrew's cross hung lower still. Mr. Meade and Hemipo sat apart under guard, and Ihaka was near them. Te Aokatea went through the process which was believed to procure inspiration. He yelled, he spoke—sometimes in English, sometimes in what was called French, or Hebrew—he made obeisance to the staff, to the east, west, north, and south, accompanying his genuflexions with Pai Marire words. At a signal, the seated tribes and delegates sprang up and marched round the staff, chanting responses to the priest, and pointing their weapons to the sky. The striking scenery around, the flags waving against the dark foliage in the background, the varied dresses and weapons, the fervent fanaticism gleaming from excited faces, the chorus of powerful voices rising in excellent time in that far forest, vividly impressed Mr. Meade, who noted the smallest particulars. The prophet's flag having been duly honoured by the congregation, a runanga was held to decide on the fate of the travellers. Immediate execution of both was urged by some. Mr. Meade was deemed a spy. Then Hemipo rose to address his countrymen in a cool and careless way, playing with his riding-whip as though addressing friends at home, in a manner which extorted Mr. Meade's admiration. Moralists more punctilious than Escobar would excuse Hemipo for his rhetorical artifices. Mr. Meade, he said, had nothing to do with army or navy, was only visiting the country for personal pleasure, and wanted to make a quick passage overland so as to reach his ship at Auckland before she sailed. His gentlemanly air showed as little insincerity as his

demeanour implied fear. After speaking for Mr. Meade he referred to himself and his father's friendly relations with some of his auditors. Then Te Aokatea rose and savagely denounced the Pakeha intruder. No knowledge of Maori language was needed to enable Mr. Meade to distinguish friends from foes. As the discussion raged and death seemed certain, he took comfort from seeing that Hemipo was as ready to take lives with the revolver as he had been to tell lies as an orator. While Mr. Meade was reflecting thus, and the Maori executioner stood by his side waiting to smite with the tomahawk, Ahumai, the widow wounded at Orakau, whom the Englishman had seen at Waihaha a fortnight before, rose up from the crowd, slowly walked across the square, and sat by the captive's feet, as a token that he was entitled to hospitality. Thenceforward the fanatics relented; and it was finally agreed to dismiss the prisoners, because it was unwise to provoke the Arawa (through whose territory the Hau Haus wished to march) by killing a guest of that tribe. At last it was decided that the travellers should return whence they came. As they saddled their horses a Maori whispered aside to Hemipo. A reaction was taking place amongst the Hau Haus. Mr. Meade had hardly time to reflect whether Hemipo was called in order that the Englishman might be shot without risk to the Maori, when Hemipo bid him mount, as some rascally kingites wanted to kill him. To place several miles between the horse-men and Tataroa was the work of a few minutes, and after resting their horses in the shelter of the forest, the travellers reached Oruanui at night, where Hemipo narrated the day's incidents to eager listeners. Ihaka returned at a later hour, with a letter asking free passage through the territory, and stating in a postscript as a reason for granting the request, the safe return accorded to Mr. Meade. It was granted. Mr. Meade rode safely to Napier. The Hau Haus made converts as they passed, and though they did not attack the villages of tribes friendly to the English, their influence spread so fast that the Government, unable to protect its allies, invited them to retire to Rotorua, which they did with heavy hearts. Nevertheless, Mr. Meade's journey was not deemed fruitless. When, on his death, his journal was published, it was accompanied by a letter from Sir George Grey, stating that very great benefits resulted

from the expedition to Lake Taupo, which Mr. Meade and Mr. Brenchley so successfully carried out. Poihipi and Hemipo will reappear in a stirring event in the story of New Zealand, which followed on the fuller development of Hau Hau fanaticism than that which Mr. Meade saw. Read by the lurid glare which surrounds the murders of Volkner and Fulloon, the narrative of Meade is terrible in its reality.

It is time to turn to Mr. Whitaker's policy on confiscation which led to his resignation. Already Mr. Fox's justification of it has been noticed, and his desire to promulgate the opinion of the Ministry that nothing could be more pernicious than to allow the Maoris to retain rights which the Queen had guaranteed. While General Cameron was arranging at Ngaruawahia in January, 1864, for the advance of the troops up the Waipa river, and planning the Tauranga campaign, the Government decided to promulgate a notice calling on all who had been in arms against the Queen to take the oath of allegiance and surrender their weapons. Those who had been with the enemy, but had not fought, were to do likewise, but in doing so would not obtain rest. "All the peace that is conceded to them at the present time is this: That they will be allowed to remain unmolested, and they will not hereafter be brought to trial unless they are found to have taken part in murders, plunder, or other evil acts. Let this, however, be borne in mind,—the disposal of their lands rests with the Governor." As part of the English system of warfare was wholesale plunder and destruction of Maori homesteads and cultivations, and as Maori burial-places were rifled without remorse, it was hard for Maoris to understand the principles on which it was to be decided whether their own acts were evil.

The campaign in Waikato having been concluded by the evacuation of Maungatautari in April, and various chiefs having surrendered their arms, a proclamation was drawn up in which the surrender of arms was ordered to be made by the 1st July, after which date it would entitle the surrenderer to no benefits. Sir George Grey signed a draft of the proclamation on the 30th April, but dissented from the fixing of a date after which no surrender should be beneficial; and his dissent caused the proclamation to be held back after voluminous discussions. In

requesting (11th May) that it might be regarded as revoked, the Governor, speaking of the ministerial theory that all Maoris who had fought against the Queen's troops had forfeited all their land, said that the question concerned the whole future destiny of the Maori nation. The Governor might by a few words, unwisely put forth, reduce generations to misery, and cut off from their inheritance the offspring of many loyal Englishmen. Mr. Whitaker replied: "In his zeal for the Maori the Governor appears to forget the European colonists." The Governor's doubts whether the Settlements Act was intended to be an Act for general confiscation were needless; and there could be "no question that the Assembly is already committed to give further effect to it if it were necessary." To the Governor's request that the proclamation might be regarded as revoked, Mr. Whitaker replied: "It requires no revocation, as it never received his Excellency's signature." While thus disputing about principles neither the Governor nor the Ministry ventured upon details. The enormity of their demands made the latter anxious to conceal them until they could bind the Governor to accept them.

In the end of June the report of the two prisoners who had been allowed to visit Rewi and the king-maker, led to the belief that those chiefs desired that the Waikato war should be regarded as at an end. "Welcome, my brothers!—welcome to Waikato; to the river only, to the mountains only. There are no men; the only men left are those in prison and yourselves. Come; but I do not know whether you have been sent by the Government. If you have been sent in peace, give me the letter that we may know that you have been sent. My opinion is that you have run away. Take away with you the war, and Waikato river; and Waikato land take with you too. Had you brought a letter, we should have sent a letter; but as you are the Governor's letter, you must also be my letter." Such was the speech of Rewi. The king-maker and others spoke in similar strain. Six hundred and forty Maoris agreed. There seemed some prospect of peace if the Colonial Government would be wise. In the end of June also, Mr. Cardwell's despatch, instructing the Governor that his concurrence with proposed confiscation was to be no perfunctory matter, was received. Mr. Fox's contemptuous



opinion of the despatch has been noted. The Ministry thought its publication might strengthen them, and asked that it might be published. Their supporters, it was hoped, might be indignant. The Governor did not object, and the despatch was published on the 30th June.

The location of military settlers was a parallel line of contention between the Ministry and the Governor. In April they proposed to locate the 2nd Waikato Regiment, under Colonel Haultain, in the Waikato district, on a line between Pirongia and Maungatautari. Sir George Grey asked for precise information as to the posts to be occupied and the force to be placed at each. The Ministers said they were to be on the line of the Puniu river, which would include Te Awamutu (from which Rewi had expelled Mr. Gorst) and Kihikihi, Rewi's old abode. Each detachment should contain about 100 men. The precise points must be chosen by the military authorities, but the land must be eligible for settlement. The Governor declared that as Commander-in-Chief he was entrusted with the power which the Ministry wished him to cede to the General. They explained that they did not wish to interfere in questions as to the relative functions of the Governor and the General. As to choosing sites for forts they felt it was not their duty. Then it appeared that wider differences than the position of military posts were involved. The Governor disapproved of the ministerial plan, and circuitously strove to exhibit its effect. Before giving orders to locate the 2nd Waikato Regiment at the Puniu river he wished to learn where the other Waikato Regiments were to be located, and over what total extent of country they were to be spread. His Ministers were not prepared to gratify him. "The time had not arrived (11th May) when it was possible definitely to determine." On the 17th May, they submitted to him a draft Order in Council, which he declined to sign because it defined, under the Settlements Act, "a district not of one tribe, or of a section of a tribe, but of many tribes, regarding some of whom no evidence had been placed before the Governor to show him that a considerable number of the members of such tribes have been engaged in rebellion. He ought not therefore to say that he is satisfied that they have been engaged in rebellion, and

perhaps to do them an irreparable injury with his successors, who would from his knowledge of the natives assume that he well knew what he was doing." (The wording of the Settlements Act enabled the Governor in Council to declare districts under the Act whenever he "shall be satisfied that any tribe, or section of a tribe, or any considerable number thereof, has, since 1st January, 1863, been engaged in rebellion against Her Majesty's authority.") "Upon the whole, the Governor would prefer a district being in the first instance defined which would embrace a considerable part of the territory of the Waikato and Ngatimaniapoto tribes, who have been engaged in the rebellion." The Ministry, on the 30th May, "deferred to his Excellency's preference," and prepared an Order in Council defining the boundaries proposed, but urged that the location of the military settlers should be disposed of as soon as possible, as expenditure was being incurred which "the Colonial Government would not have the means of meeting."

A singular episode occurred with regard to the Orders. On the 28th May, the Governor, Mr. Whitaker, the Attorney-General, and Mr. Russell, Minister of Colonial Defence, attended the Executive Council to which they were submitted. That the two Ministers were partners in a firm of solicitors may perhaps in part explain their method of transacting business. A signature to a deed was in their eyes, perhaps, the be-all and end-all which would trammel up all consequence. Orders were produced proclaiming a district including the valleys of the Waipa and the Waikato from Paparata to Hangatiki, and another district at Tauranga. The Governor signed them. Regulations for the districts were submitted and discussed, but not approved. The Governor and his Ministers had a serious misunderstanding as to what took place. Mr. Whitaker denied that the Regulations were submitted at all to the Council. Only the formal approval of the Order was in his opinion brought before the Council, and it was the Governor who introduced discussion on Regulations. The Governor declared that, after he had signed the Orders, Regulations were submitted "upon which the whole question depended." One of them (relating to location of natives who had been in arms) was: "Every man will have allotted to him a certain quantity of

land, which will vary in size, according to circumstances, from 5 to 1000 acres." The Governor argued that something definite must be laid down about forfeiture. The natives ought to have a distinct offer, which would preclude all misunderstanding. The Ministers declined to make any statement on the subject. From time to time they would advise regarding other districts. They would not "say whether they would hereafter give, or not, more land to the natives who might take it under these regulations." "I repeatedly pressed" (Sir George Grey said) "the necessity of their at once telling me their intentions regarding the confiscation of native lands, and the necessity also of letting the natives know their true position in this respect, and what was to be taken from them. They as repeatedly declined. I declined to approve the Regulations until this was done, or to sanction the issue of the Orders in Council proclaiming the districts unless accompanied by a plain declaration to the natives of the proclaimed districts of what was expected from them." When actors in a scene differ in their evidence, the word of a bystander is usually accepted, especially when it is his formal duty to record what occurs. The minute made at the time by the Clerk of the Council was afterwards produced. It stated: "The Prime Minister submitted for approval three Orders in Council defining and declaring three districts under the New Zealand Settlements Act, 1863, two of them being at Tauranga, and one in the Waikato country. He also submitted for approval Regulations establishing the districts, but at present to be applied only to the smallest district at Tauranga. On which a long discussion ensued. The Regulations were not approved of, and the Orders in Council were ordered not to be issued." When the Council met on the 16th June they disliked this record, and at their request the Governor erased it; though as the Clerk of the Council was sworn to take true notes of *res gestæ*, it is difficult to discover under what code of ethics the recommendation of the Ministry or the erasure by the Governor could be justified.<sup>1</sup> The time occupied in the dispute put off any decision until Mr. Cardwell's despatch of the 26th April, 1864, arrived, and

<sup>1</sup> The Royal Instructions required that minutes should "be read over, confirmed, or amended," as the case might require.

laid down principles based upon justice and moderation—which Mr. Fox denounced as physically impossible, palpably absurd, and likely “to upset the plans of the Colonial Government.” As, however, the Governor’s voice was potential, the Ministry, on the 25th June, in compliance with his wish, stated their views upon confiscation. They desired a frontier line from Raglan or Kawhia to Tauranga. All land belonging to rebels north of that line, and that extending to the southern line defined in the Orders (signed but withdrawn on the 28th May), was to be confiscated; but it was proposed to give, in convenient localities, from 10 to 2000 acres to each former inhabitant desiring to return. This was to be the extent of confiscation in Waikato. It might be necessary to deal separately with the Ngatimaniapoto, whose land would not be sufficiently touched by this proposal. At Taranaki there was to be confiscation on both sides of the settlement. Sufficient land was to be taken from the Ngatiawa, Taranaki, and Ngatiruanui tribes to establish military settlements and “afford a substantial contribution to the expenses of suppressing the rebellion.” On the west coast land was to be taken from the Waitotara river to a convenient distance, including Waimate. Except in special cases, where the loyal and rebellious held lands in common, lands of the loyal would not be interfered with, and the Ministry anticipated no difficulty in making satisfactory arrangements to compensate the loyal. As to the east coast they had a difficulty in determining. “It would be impracticable to take forcible possession of the land of some of these tribes, and not desirable to attempt to place settlements on the land of any of them.” If possible, cession of land should be brought about. Circumstances might modify these views, or the conduct of the natives might call for more stringent measures;—“Ministers must therefore reserve to themselves the right to alter or modify their present proposals.” By the term rebel natives they meant all persons whose lands might be taken under the Settlements Act, who might “be found not entitled to compensation.” Sir George Grey explained that his original plan (June, 1863) of confiscation was to take land in Waikato proper, and not to go beyond Ngaruawahia. The military settlements would thus have had continuous support

from a base at Auckland, and the population would have spread naturally as from a centre. It was not until April, 1864, that he had learnt at Pukerimu that the Ministry proposed to abandon this plan and locate the Waikato militia on a line between Kawhia and Tauranga; in a manner widely different from that suggested by himself in 1863, and cordially concurred with by the Ministry of the day. Mr. Whitaker wrote a long paper to prove that the line suggested in 1863 "was of a different description, and for a different purpose from that which it was the object of the Government to establish across the Waikato." It remained "to confiscate the lands, or some of them, give away part on military tenure, and sell the remainder to defray the expenses of the war." "From the time his Excellency's present advisers<sup>1</sup> took office till the present time, they have never proposed or contemplated any other line of frontier than the one from Raglan or Kawhia to Tauranga." Whatever they had contemplated, Sir George Grey was justified in asserting that until Maungatautari was evacuated they had not proposed such a line to him. They waited till 10,000 British troops had struck down opposition before they made their demand. But though he shrunk from confiscating at large to gratify Whitaker, the Governor accepted the specific advice tendered to him as to forming military settlements in spots far in advance of the southern limit designed by himself. The map first shown to the General was so vague that he asked for further information as to the intended locations. A block of land about eight miles wide, stretching eastward from Pirongia to the Waikato river at Pukerimu, was marked out, but no sites for settlements were shown. The General was not told how many men were to be settled, or from which Waikato Regiment they were to be taken.

On the 6th June, the Ministry proposed that the 2nd Regiment should furnish settlements at Kihikihi and Pirongia;—the 1st Regiment should afford men for a settlement at Tauranga, and the 4th Regiment should be located on the Waikato river,

<sup>1</sup> Yet in 1879 one of them, Mr. Fox, published a statement incompatible with Whitaker's. "As the war was none of my making, so the confiscation was not prepared by me. Both were the work of Sir George Grey and his Ministers, and not of me. My Maori friends will see that . . . I had nothing to do with it" ('New Zealand Hansard,' 22nd July, 1879).

between Pukerimu and Kirikiroa. At each settlement 300 or 500 men were to be placed. The plan involved abandonment of posts at the southern portion of the Waikato, but the Governor relinquished his own project on the understanding that the force maintained in front should not be greater than was required to defend the line between the Waipa and the Waikato. The ease with which the Ministers descanted upon military affairs was shown in a memorandum at this period. They were of opinion (27th June) that it was very desirable to send an expedition as soon as practicable against the king-maker's settlements of Mata-mata and Peria. They did not intend to occupy, but they would destroy. "It is of the first importance," they added, "that an effective blow should be struck at Taranaki and Wanganui as soon as possible." Mr. Fox also—warming with dignity—when, at Waikanae, Wi Tako declared allegiance to the Queen (3rd June), enunciated terms for natives then in arms, which, though contained in the draft proclamation signed by the Governor on the 30th April, had been withheld as unjust, and were declared by Mr. Whitaker to need no revocation. Called upon to explain, Mr. Fox (incredible as it may appear) cited the cancelled draft as his justification, on the ground that it was "only not issued for reasons *ab externo* which appeared to the Colonial Secretary to have no application to Wi Tako's case." Indiscriminate retorts reduced the Ministry to absurdity, for though the words were spoken to Wi Tako they referred by name to the Ngatiruanui and Taranaki, as well as to the Ohau and Otaki natives, and therefore the case was not the case of Wi Tako. The position of the Ministry was not less galling because they had brought it upon themselves. Mr. Cardwell's injunctions might have been less pointed if they had not been demanded by the demeanour of the Ministry.

In May the Secretary of State announced that the Act for compulsory taking of land for public purposes by Provincial Legislatures could not be recommended for allowance by the Crown unless amended so as to exclude native possessions from its operation. This announcement reached New Zealand in July, and with it arrived a separate despatch enclosing observations made in London by Mr. Gorst, who deprecated such wholesale confiscation as would tend to render the Maoris desperate and keep them permanently in arms. He wrote

strongly in praise of the Ngatihaua and Waikato tribes, from whom he had received many acts of kindness. He described their great villages and hamlets as if still "dotted about the country, surrounded by their patches of cultivated land. The whole district is occupied and used; it bears marks of having been enriched and improved by the labour of its inhabitants. Good fences have been erected; Rangiaohia, for instance, is surrounded by a fence many miles in circuit; roads are made in various directions; bridges have been thrown over impassable swamps; and a good many mill-dams have been constructed."

Mr. Gorst wrote in May; but the scene had been desolated in a manner unknown to him. To destroy cultivation, orchards, mills, and homesteads, had been the theory and practice of the war. But though Mr. Gorst made no direct allusion to the Ministry, Mr. Fox lost all patience at his interference. He denounced him as inexperienced, and said his book on the Maori king, though "rather clever, was by the free use of the *suppressio veri* and the *suggestio falsi*" calculated to convey untruthful impressions, and was "also very full of absolute mis-statements."<sup>1</sup> He declared that the Ministry could have had a staunch supporter of their policy in Mr. Gorst, if they would have given to him a seat in the Legislative Council: to which Mr. Gorst replied, that though when in Sydney in 1863 he told Mr. Dillon Bell that he would accept such a seat untrammelled with office, and with freedom to express his own views, he did not wait an answer from New Zealand, when none arrived by return of post, but sailed for England. Having seen with what pertinacity minutes and counter-minutes were exchanged on the subject of escaped prisoners, the reader may conceive the exaggerated length to which they were drawn out on other matters. It would be a hopeless task to invite him to wade through even a summary of the minutes which passed between the Governor and his advisers on the subject of land

<sup>1</sup> Mr. Fox in his own retort unwittingly made an absolute mis-statement. He averred that the song sent to Taranaki, in 1863, to stir up the natives to commit the murders at Oakura, "and which became the tocsin of the rebellion, was composed for the occasion by a Middle Waikato man." Unhappily for Mr. Fox the song had been printed in 1850 by Sir George Grey in a collection of ancient New Zealand songs.—Sir George Grey. Despatch, 30th August, 1846.



confiscation. It is a slough of despond. If a traveller could be imagined in a marsh never deep enough to drown him, never freshened by rain or stream, and without a shore, the task of the historian of New Zealand at this epoch can be understood. The mud of disagreement is stirred up at every step, and the wiles of controversy wind like weeds around him to prevent progress. If Mr. Cardwell's despatch had not arrived, and enabled the Governor to cut the knot, it is certain that he and his Ministers would have found it "too intrinse to unloose." The extent of the confiscation proposed by Whitaker and Fox deserves to be recorded. Though the latter had once opposed injustice to Maoris, he was no sooner enlisted under Mr. Whitaker than he supported the principles he had formerly resisted. In January, 1864, commenting on Sir William Martin's arguments, he declared that it was injurious to the Maoris "to retain possession of immense tracts of land, which they neither use nor allow others to use:" and there was no act of rapine which would not be sanctioned by such an axiom. Accordingly, when the Ministry, flushed with the conquest of Waikato, submitted their scheme of confiscation, in May, 1864, the district to be proclaimed under the Settlements Act, and thus rendered liable to confiscation, was sweepingly described.

From the Tamaki Portage, near Auckland, across the Frith of Thames, and round Cape Colville, thence by a line including the fringe of the sea to Tauranga, "thence through that harbour to Urumingi, thence to Arowhena, thence to Hangatiki, thence to the mouth of the Awaroa river on the Kawhia harbour, thence along the west coast to the Manukau harbour, and thence to the Tamaki Portage." Such was the line. Every man within it who had borne arms against the Queen was to sign a declaration to submit to her law, and to give up his arms, or satisfy Mr. Whitaker's subordinates that he had none. The rape of Waitara, which Mr. Fox opposed, was a petty theft in comparison to the larger deeds which would be done under the Order in Council prepared by Mr. Whitaker for the Governor's signature on the 17th May. The Order declared that the Governor in Council was "satisfied that the native tribes, or sections of tribes, or considerable numbers thereof in the district," had (after 1st January, 1863) been engaged in rebellion.

The line exempted the Ngatiwhatua and more northern tribes, but subjected the Waikato, the Ngatimaniapoto, the Ngatiraukawa, the Ngatimaru, the Ngaiterangi, the Ngatipaoa, the Ngatitai, the Ngatihaua, and various sub-tribes or hapus, who had friends and blood-relations south of the line which ran from Kawhia by Hangatiki to Tauranga. Eight millions of acres would have been gathered within it. The Governor said he was not satisfied in the manner required by the Act: he would not mix innocent tribes with the guilty; he would not proclaim millions of acres as liable to penalties which in his opinion ought to fall only on territories of single tribes, or sections of tribes. Then followed the scene on the 28th May, concerning which the testimony of the Clerk of the Council has been cited. As the Ministers (by their admission) declined to define their policy on confiscation, the Governor directed the Clerk to retain the Orders already signed, and not to allow them to be issued until the Governor had approved the Regulations.

Mr. Whitaker, a few months later, wrote: "It is possible that his Excellency has not understood the subject himself, and that the confusion of ideas which pervades his 'Memorandum' is the candid reflex of his mind. . . . The conclusions arrived at by his Excellency—as to the proposals of his Ministers being contrary to law and equity, contrary to his duty to the Imperial Government, and not in accordance with the responsibilities imposed by the presence and aid of the British forces, and the expenditure of large sums of British money—are entirely without foundation . . . a just, satisfactory, and permanent peace has been indefinitely postponed by the vacillation and indecision of his Excellency." Had Sir George Grey vacillated in deference to Mr. Whitaker, he would perhaps have been falsely credited with courage. It was certainly galling to intriguers to find their hopes dashed after the coveted Orders had been signed. To succeed in a trick and not to reap its reward is intolerable. The Orders thus blighted in the bud were framed to obviate the Governor's reluctance to confound the guilty with innocent owners. One confiscated a separate block at Tauranga. Another comprised an irregular block running along the valleys of the Waipa and Waikato rivers, from Maungatawhiri, and reaching Hangatiki. No estimate was arrived at as to the quantity of

land which would be required for settlement and sale. The Ministry having failed in their project, and Mr. Cardwell's celebrated despatch of the 26th April having arrived, it was thought advisable to strengthen their position against the Governor by putting forward an opinion given by the Bishop of Waiapu (W. Williams), who, commenting on the suggestion of the Aborigines' Protection Society, that peace should be obtained by negotiation, expressed his conviction that only by some confiscation could the Maoris be made to feel the evils of their courses. This indeed was the deliberate statement of the Governor himself.

The Bishop's letter (15th April) to Mr. Fox was used in such a manner that he thought it necessary to write another declaring that he only advocated "confiscation upon such principles as will commend themselves to our Government at home and to the Christian public." In the notice to natives to surrender arms "and take the oath of allegiance, but that their lands are in the hands of the Governor, there is nothing to assure and encourage them that their case is not desperate. . . . I beg to submit that some definite terms should be laid down to the natives, particularly in reference to the land which may be left to them." Mr. Fox, who, in reply to Sir William Martin, thought it injurious to leave natives in possession of unused land, audaciously wrote to the Bishop (4th July)—"The Ministry do not believe that there is any material difference between your opinion and theirs on the subject." Having made an assumption so unwarrantable, Fox thought it advisable to send it to England. "His Lordship's opinion is entitled to so much weight, that perhaps his Excellency will excuse the suggestion, that the correspondence should be forwarded to the Secretary of State." On the 29th July, the Governor asked the Ministry to inform the Bishop of the extent of confiscation they proposed, and their construction of the term Rebel Natives, "in order that his Lordship, who is now in town, may state whether, in expressing his opinion, he intended to advocate a confiscation of that nature and extent." The Ministry gave no reply. On the 25th August, they were asked for one. Mr. Fox then declared that they were of opinion that it would be inconvenient to communicate "their plans to persons not members of the

Government," that the Bishop could have no special knowledge or experience, and "Ministers would not attach much importance to his opinion (probably formed entirely from a native point of view) upon the details of the Government plans." In other words, Mr. Fox would entrap the Bishop into what might be used as an approval of plans the nature of which he would not allow the Bishop to know. Sir George Grey sent all the correspondence to England, where, with such an exposure of its composition it could do no harm, and Mr. Cardwell merely acknowledged its receipt.

Bearing in mind what had occurred on the subjects of the escaped prisoners, and confiscation of lands, it is startling to find that, on the 2nd August, 1864, in commenting on Mr. Cardwell's despatches, laying down principles for the Governor's guidance as to confiscation and negotiation for peace<sup>1</sup>—the Ministry told Sir George Grey: "Practically no difference of opinion as yet exists between his Excellency and his advisers, and they trust it may not arise." As, however, after publication of the despatches, "a feeling had arisen in the colony" that Mr. Cardwell intended to "subvert the existing arrangement as to the administration of native affairs in some matters," the Ministry protested "without delay against the introduction of a new form of Government," partly administered by the Governor, and partly by his advisers.

Let the reader pause for one moment to reflect upon the difference between the cession suggested by Mr. Cardwell and the confiscation proposed by Whitaker and Fox. All tribal rights were guaranteed to Maoris by the treaty of Waitangi. One contracting party has no power to abrogate any provision of a treaty. Cession as an act of a whole tribe might plausibly be represented as permitted by the treaty. The confiscation was a mere outrage upon treaty and law: for Whitaker confessed that it would be worthless unless it could be stretched so as to rob the innocent. Admitting that a Maori could be made a rebel because he resisted attacks made upon him, and that his

<sup>1</sup> 26th May, 1864. Mr. Cardwell: "It is my duty to say to you plainly, that if, unfortunately (your Ministers') opinions should be different from your own as to the terms of peace, Her Majesty's Government expect you to act on your own judgment," &c.

rights might be forfeited; yet his share in land was tribal, and to confiscate his rights left those of others unharmed. The portion of the tribe which remained faithful to the Queen therefore gathered<sup>1</sup> into themselves both by treaty and law any lapsed rights of their tribesmen. Te Wheoro and his friends, who accompanied General Cameron in the Waikato campaign, might be enriched by the death or disappearance of their conquered tribesmen, but the destroyed rights could not attach to the Queen. No men knew this fact better than Whitaker and Fox, and their persistence in urging confiscation was but a continuance of the spirit which actuated the New Zealand Company and Earl Grey in deriding the "so-called treaty" made by the Queen. Sir George Grey (26th August) forwarded the ministerial protest to Mr. Cardwell. He affirmed that the publication of Mr. Cardwell's despatch of the 26th April had "produced a very happy effect upon the native population." To it he attributed in no small degree the surrender of the Tauranga tribe. He pointed out that the discussions between himself and his advisers, as already communicated to Mr. Cardwell, showed that considerable difference had arisen between himself and his advisers on questions of Imperial concern. He

<sup>1</sup> Such seems the only result either in justice, or logically, of forfeiture of a tribal right. The contention of Whitaker and Fox was of course outside of the domain of logic, law, or justice. It was, I believe, reserved for the sagacity of Sir Arthur Gordon to suggest a *modus vivendi* by which the rapacious acts done before he became Governor in New Zealand might be partially reconciled with justice—viz. that on confiscation of rights of a Maori, the confiscating authority should become seized of the confiscated tribal rights of their victim without destroying those of his tribesmen. Though such a position may be defended with subtlety, and is a large abstinence from the cynical rapine put in force by New Zealand Ministries, it is manifest that the entry of the local government into tribal rights by an act of force exercised by that government opens the door to iniquity which the cupidity of the moving spirits in New Zealand has never restrained. The three theories are sufficiently distinct. One holds that an honourable regard for the treaty of Waitangi demands that every man's tribal rights shall be respected absolutely. This cannot be the case if he be compelled against his will to accept the Government as joint owner. The Whitaker-Fox theory was not only that the Maori must be robbed of his land in defiance of the express words of the treaty, but that it was of no use to rob the guilty unless at the same time the innocent were robbed. Sir Arthur Gordon's contention would limit the acquired rights of the confiscating Government to the extent and to the quality of the rights of the assumed traitor.

urged, on general and local grounds, that it was not salutary to hand over to a Ministry, feebly responsible to the local legislature, uncontrolled power over the lives, actions, and honour of British men and officers engaged in war in a country where the race which elected to the legislature was more or less excited against the other race which was altogether unrepresented, and yet included the largest landed proprietors in the Northern Island. He was confident that when Mr. Cardwell had determined on a policy, just to Great Britain and to Maoris and colonists, he might rely on the good sense and good feeling of a majority in New Zealand in support of it.

In the end of August a crisis was approaching. General Cameron had been consulted on the demand of the Ministry for a frontier line (partly maintained by the Queen's troops) from Raglan or Kawhia to Tauranga. He saw great objections to the plans for an expedition in winter against the tribes at Matamata and Peria, and for what appeared like a winter campaign at Taranaki. As the Ministry seemed to cling to their own ideas of strategy, Sir George Grey told him (30th August) that—"If he had not determined not to act upon the advice Ministers tendered him, that operations should be followed up at Tauranga in the manner they proposed, the aspect of affairs in New Zealand would have borne at this time a very disastrous character." The king-maker's people were at Matamata and Peria, and the Ministry thirsted with more than common thirst for his destruction, although Mr. Mackay, the Civil Commissioner of the Thames district, had reported on the 16th August: "It does not appear to me that the natives intended to be otherwise than friendly towards the Government unless some military operations take place at Matamata or Peria, in which case if the hostile natives were driven down into their country they would assist them, and retreat to the wooded spurs of the Aroha ranges, a position, from its inaccessible and rugged nature, they could occupy and maintain with a very small force against highly superior numbers." The Ministry sneered at Mr. Mackay as having been duped; but in September they had strained their powers so far that they had given way. The Maori prisoners had been transferred to the island of Kawau in August, and Mr. Fox had recorded his protest against Mr. Cardwell's theory

that, subject to law, the Governor was the arbiter of their fate. The inability of the Ministry to deal justly or generously with negotiations for peace, or with cession of lands, threw the responsibility upon the Governor, and on the 7th September he sent to his advisers a draft of a proclamation drawn in compliance with Mr. Cardwell's instructions, in order to give the natives an opportunity of submission before the resumption of warlike operations. He offered free and absolute pardon to all who might "come in on or before the 22nd October, take the oath of allegiance, and make cession of such territory as may in each instance be fixed by the Governor and Lieutenant-General." The pardon would not be extended to persons engaged in certain murders which were to be specified. The Ministers agreed to the issue of the proclamation with provisos. Arms were to be given up, except where the Governor might deem their retention necessary to defend their owners against rebels still in arms. Mr. Whitaker required the Governor's assurance that the cessions would be of the required extent, and that if not availed of by the day fixed in the proclamation the terms should lapse, and forfeiture should without further delay supersede the proposed cession. The Governor would not give the assurance required. The Ministry sought to acquire territory to defray war expenses, or to be devoted to military settlements. He, on the other hand, viewed the cession as a punishment inflicted to deter others from rebellion, and proportionate in each case to the guilt of the tribes involved. He could not take a man's land more largely than justice would warrant merely because it might be wished to plant settlements upon it. He recalled the reasons which prevented the issue of a proclamation in May, requiring the surrender of arms, and which were still cogent. Mr. Whitaker declined (13th September) to acquiesce in the proclamation. Rebels were from time to time surrendering in considerable numbers, and the Government ought not to vacillate. The Governor misunderstood the ministerial view of acquisition of territory. "Ministers explicitly declared that the contemplated cession should include the objects (named by him), not that they were the only ones sought." Their memorandum was lengthy. The Governor replied to it at almost equal length on the following day. He had not accepted advice from



Ministers on several occasions, because he would not drive a nation to despair. If the Ministry had intended to oppose conformity with Mr. Cardwell's despatch, Sir George Grey thought they ought not to have published it. For his part he concurred in the justice of the instructions therein. He unhesitatingly appealed "to his country and to posterity to judge between his views and those of his responsible advisers, and to pronounce whether when a man has come to a decision amidst so many and great difficulties, his responsible advisers ought not to refrain from clouding his judgment, and trying to force him to a decision he does not approve, by using such language as their memorandum contains. If upon reconsideration his responsible advisers still refuse to acquiesce in the proclamation submitted to them, as the Governor, for the reasons he has stated, considers it to be his duty, sorry as he is to differ in opinion with them, to adhere to his intention of issuing it; he begs to be informed what course they intend to pursue."

The escape of the prisoners from Kawau might delay the issue until the effect of that escape on the Maoris might be ascertained, but he wished for an early reply. On the 20th September, the mail from England brought information that Mr. Reader Wood's negotiation for the New Zealand loan had failed to procure more than a very small instalment, and even that at a low minimum. Out of £1,000,000 offered, only £5000 were tendered for at £90, on the first day. On the 22nd September, the Ministry wrote a portentously long minute, in which they requested to be relieved from office "if his Excellency adheres to his intention of issuing the objectionable proclamation." Sir George Grey before deciding to accept their resignations determined to acquaint himself with the financial condition of the colony. They had averred that the demand for land had not been vague. It was "not a quantity to be measured by any man's opinions, but a given rule easily applied, which would leave nothing to be determined by thoughts and opinions, and in strict accordance with the instructions from England and the views of the General Assembly." The Governor asked what was the given rule so easily applied. They told him with equal curtness that each military settler was entitled to a certain number of acres, that a similar rule would apply to each

immigrant from Great Britain, and that there would be no difficulty in determining the moderate quantity required for sale. He asked for an approximate estimate, and at last obtained from them what for months he had besought in vain. On the 30th September, they formulated their demands as to quantity, but not situation, of land required by confiscation. In Auckland, military settlers would require 360,000 acres; emigrants from England, 240,000 acres; for sale would be required, 400,000. In Taranaki, military settlers would need 180,000 acres; emigrants from England, 120,000 acres; for sale would be required 300,000 acres. The total of 1,600,000 acres was less than had been proposed in the Assembly, but Ministers had "made the modification for the purpose of avoiding any imputation even of prolonging the war for the acquisition of territory." The sudden readiness to give information was due to an interview between Mr. Reader Wood (the Treasurer, who had returned from England), and Sir George Grey, on the 29th September. Mr. Wood in a letter from England (written in July), had complained of attacks made in the 'Times' newspaper upon the Colonial Government and the colonists, "accusing them of closing all avenues to peace, and of employing the British troops to fight—not in a war of defence, but in a war of aggrandisement, and for the purpose of wresting land from the natives by force." Mr. Wood, arriving from England in September, and discussing the subject, was told that the opposition of the Ministry to the proclamation of pardon to the natives was calculated to close the avenues of peace. Mr. Wood suggested that the Ministry should retire. On the 30th September, they tendered their resignations. They were, therefore, practically out of office when they consented to inform the Governor, even approximately, how much land they wished to confiscate. He thanked them, and asked if they would oblige him by showing approximately the boundaries of the required lands. They were unable to do so, "even approximately. . . . It was not intended to take the land required in one block, but in several, of which some would have been small; and as to others there is not sufficient information to determine even the precise localities." No man of ordinary intelligence could have supposed that such a seizure of land could fail to foster enmity and suspicion among the Maori owners who were to be ejected,

but who, even at the last moment, knew not which of them were to be sufferers. Again appealed to, they sent a tracing in which they designated 340,000 acres surrounding Taranaki, a rectangular block of 564,000 acres extending from Waimate to Waitotara, and an irregular block widening from Drury to the south so as to include the valleys of the Waipa and Waikato and reaching nearly to Hangatiki. But they furnished this approximate description on the distinct understanding that neither their successors nor the Assembly were to be prejudiced by their act. The Governor was unwilling to seek new advisers until he had obtained accurate information as to the financial position of the colony. He asked for it on the day on which his Ministers had formally resigned. They replied: "Ministers do not understand that it is the duty of his Excellency or themselves to furnish information as to the financial position of the colony to any person who may profess a willingness to accept office; indeed they foresee probable evil consequences as the result of such a circumstance to men not under responsibility." They would, however, furnish the Governor with information. Outstanding debts amounted to more than £1,400,000, of which half-a-million was due to the Imperial Government, and was to be paid out of the proceeds of that portion of the loan for three millions which the Imperial Government might guarantee. The monthly expenditure exceeded the monthly income. The Government had drawn nearly three-quarters of a million sterling against debentures, for a million and a quarter, held in London for sale or hypothecation. Nevertheless, the Ministry declared (3rd and 6th October) that they saw "no financial difficulty whatever if the plan of settlement and confiscation be carried out as authorized by the General Assembly and sanctioned by the Imperial Government, notwithstanding the failure of the immediate negotiation of the loan." They added that in consequence of that failure they would have advised an immediate reduction of war expenditure had they remained in office. Mr. Cardwell's despatch (26th April) on confiscation or cession, when shown to Mr. Reader Wood in England, elicited his warm concurrence. He recorded it in writing: "I take this opportunity of stating, formally and officially, that which I have previously had the honour of stating to Mr. Secretary Cardwell personally, that

there is nothing in the instructions of April 26th to Sir George Grey that does not represent the views of the Colonial Government in practically carrying into effect the policy of confiscation authorized by the Legislature in the New Zealand Settlements Act. . . . On my own behalf, therefore, and that of my colleagues I can give to Mr. Cardwell a full assurance that the Local Government will certainly co-operate with Sir George Grey in carrying out that just and temperate policy towards the native race embodied in the New Zealand Settlements Act as limited in its operation by his instructions of April 26th." Mr. Wood was in no doubt as to Mr. Cardwell's meaning, for he wrote to his colleagues (with regard to the requirement that "a measure should be at once submitted to limit the duration of the Act to a definite period," &c.), that he asked Mr. Cardwell whether he wished the Parliament to be at once assembled *ad hoc*, and Mr. Cardwell replied: "Two years are given during which the Crown has the power of disallowing; if within that time I find that the Parliament will agree to carry out the Act in the manner I have suggested, and to limit its duration to a definite period, the power of disallowance will not be exercised; if not, it will." When reminded of this statement, Mr. Whitaker did not shrink from retorting that the Ministry agreed with Mr. Wood's words, and were ready to repeat them, but that "what Mr. Wood did say had no reference whatever to cession but to confiscation;" although Mr. Cardwell's announcement of the intentions of Her Majesty's Government declared: "It is in their opinion very much to be desired that the proposed appropriation of land should take the form of a cession imposed by yourself and General Cameron upon the conquered tribes."

The reader who bears in mind Mr. Fox's denunciation of Mr. Cardwell's despatch as utterly mischievous, must be anxious to escape from the crooked windings in which it has been necessary to follow the course of the Whitaker Ministry; who soon after this audacious statement quitted office. On the 8th October, they informed the Governor that they thought that all war expenditure from colonial sources should be stopped, and that the General Assembly ought to be summoned at a date not later than 15th November. Sir George Grey replied, that in view of the financial position he had come to the conclusion that he

could not form a new Ministry in time to meet emergencies, and that the proper course would be to summon the Assembly. He at once acquiesced with their advice. They had also urged him to bring the Settlements Act into operation, but he understood Mr. Cardwell's instructions and his conversation with the Treasurer as implying that the Act ought not to be brought into operation until there had been a failure to obtain cessions of land in the manner proposed by the Governor's proclamation. He would undertake that the natives making them should do so as defeated rebels, and would conclude no arrangements without considering the opinions of his advisers. He did not ask the Ministry to acquiesce in his proclamation or be responsible, but wished it to be inserted in the 'Gazette' at the time chosen by himself. Mr. Whitaker replied that the proclamation should be inserted. On the 24th October, the Governor forwarded it in terms similar to those in the draft rejected in September by his advisers; but extending the day of grace to the 10th December instead of the 22nd October. At his request they added a list of exemptions from pardon of all persons (unnamed) engaged in the commission of murders which were found by juries to have been committed by some person or persons of the native race. The catalogue included 29 cases. The proclamation, signed on the 25th, was issued on the 26th October. None of the Ministry countersigned it. The General and the Commodore concurred with it, and regretted that it had been so long delayed. The king-maker wrote to the Governor. He was almost alone in Waikato. The war preparations had drawn the tribes to Taranaki. "Extend to me," he said, "the days from the 10th December even unto the end of February. My great desire is to have to the end of April, but I presume you would not grant my request, and therefore only ask to the end of February." Let the chiefs assemble to consider the proclamation. For himself, the suspension of hostilities he had agreed to at Ngaruawahia, still continued. "I gave my word then. You keep Waikato. I will not fight there. My word is the same now. The words which I now leave for the assembling together of Waikato are:—1. The land. 2. The murders. 3. The guns and powder." The Ministry affected to believe that the king-maker had become a Hau Hau, but the Civil Commissioner

reported that in conversation with him the king-maker expressed great contempt for the new superstition. Mr. Fox, nevertheless, retorted that however remarkable a man Te Waharoa might be, and undoubtedly was, Mr. Fox had a painful impression that his sincerity and truthfulness were not to be relied upon. The Ministry continued to advise the Governor on such subjects as accommodation of immigrants, and location of troops in Waikato.

The removal of the seat of Government to Cook's Straits as resolved on by the General Assembly had been an open question with the Ministry. Odium was dreaded by a provincial statesman if he should be candid enough to confess that any site was eligible except one in his own province. The Governor was personally entrusted with the negotiations under which Commissioners were appointed. Mr. Joseph Docker of New South Wales; Sir Francis Murphy of Victoria; and Mr. Ronald C. Gunn of Tasmania, after due examination, handed their report on the 3rd October to the Superintendent at Nelson, who on the 10th transmitted it to Auckland. They unanimously recommended Wellington as the best site. Their report was received at Auckland by Mr. Fox on the 14th October. When the Governor informed his advisers that he concurred with them in thinking that the Assembly ought to be convened, they asked him on the 10th October if he had received the report of the Commissioners. He said he had not. On the 11th, they transmitted to him a proclamation calling the Assembly together at Wellington. On the 12th, they requested him to give his consent, before five o'clock on that day, to the proclamation. On the 12th, he said he had been quite taken by surprise by their sudden choice of Wellington. Auckland would be injured by so unexpected a removal. Threatened as it was by a financial crisis, and by renewal of war, it deserved consideration, and he must take time to deliberate on a matter thus suddenly and without previous consultation thrust upon him. The escaped prisoners had been but a month on their hill-top at Omaha, and it was not known whether they were planning war, or would be supported by other tribes. The Ministry were engaged in considering the supplication from Europeans at Omaha for help in their peril. On the 13th, a petition signed by more than 1500 inhabitants of Auckland deprecated the

sudden removal of the General Assembly at so critical a conjuncture. On the 17th, the Ministry were willing to allow the Governor to fix the place of meeting, but as he declined to do so, they advised on the 18th that it should meet at Auckland on the 21st November. There was no circumstance, technical or serious, on which the relations between the Governor and his advisers were allowed to work without needless friction. Mr. Fitzgerald declared that the colonists were living under a "Memorandummiad." Ministers began to be weary of their vain work. They complained of the "already enormous file of despatches and minutes." "In the hands of the Governor is all the power; he alone can move troops. He alone can confiscate; he alone has the fate of prisoners in his hands. Ministers are really powerless." Yet though their views were "diametrically opposed" to his, he would not accept their resignations. The Whitaker Ministry had indeed been useless for good, but men are more powerful for evil than for good. If a generous and prompt policy had been adopted towards the prisoners and the vanquished, the whole aspect of the colony might have been changed. But the prisoners had been kept in torturing suspense, their friends in arms were partners in anxiety, and the Hau Hau fanatics had been aided in adding fuel to the fires of disaffection. The coast between Wanganui and Taranaki was the hot-bed of wild passions, and exiles from Waikato had flocked thither to swell the rebel bands. Even the tardy proclamation of pardon in September might have arrested the troubling of the waters, but the Ministry had withheld their consent. They would neither do good themselves nor allow others to do it. To crown their disgust a despatch (August) from Mr. Cardwell arrived in October. Commenting on the differences between the Ministers and the Governor, it declared that Mr. Reader Wood "was distinctly told that his acceptance of my proposal for a guaranteed loan would be regarded by Her Majesty's Government as an assurance on his own part and that of his colleagues of their desire cordially to co-operate with you in that just and temperate policy towards the native race; and his reply, which was laid before Parliament, was perfectly satisfactory and complete in this respect." It told the Governor that in using every legitimate means to give



effect to the instructions of the 26th April, he might count upon the cordial support of the English Government. On these and other points the Ministry continued to compile minutes, of which there seemed no end, until the 23rd November, the day before which the Assembly was to meet. The Governor's last memorandum briefly urged that he had endeavoured to act constitutionally, and that he was "satisfied that larger experience in public affairs of the kind which have recently been transacted in this colony, will lead his present advisers ultimately to admit that such is the case, and to withdraw their present opinions, and to regret that they have often expressed themselves in language of such unusual strength."

In forming a new Ministry, it was absolutely necessary to respect Mr. Cardwell's injunctions, and to contemplate a reduction of the Imperial forces in the colony. The small section of the English public which concerned itself with the wrongs of Maoris recoiled from savage extermination of a gallant race, outnumbered by ten to one of those in arms. The naval and military forces on the spot shared the feeling that they were made the catspaw to drag from the fire the prizes coveted by the colonists.<sup>1</sup> The taint of the original injustice at Waitara manifestly clung to the acts of Whitaker and his colleagues. The army and navy loyally fought against the Maoris, but they accorded to them an admiration, if not a sympathy, which they could not feel for some of their grasping countrymen. Mr. Cardwell wrote (26th September): "If the doctrines now broadly propounded by your Ministers are to be admitted, New Zealand must be regarded not only as owning no dependence upon the mother country, and as having that inherent right which independent countries exercise of conducting their own affairs according to their own judgment, but as having this

<sup>1</sup> The military always evinced a better feeling than was shown by those whose battles they were fighting. Lieutenant-Colonel Carey, C.B., published a 'Narrative of the Late War in New Zealand' (London: Bentley, 1863). He said, p. 189: "Many more would have returned to their allegiance but from fear of the colonists, who treated even the friendly tribes with the greatest brutality. . . . The prisoners we took had to be most carefully guarded, not so much to prevent escape, as to save them from the un-English and unmanly attacks of the Europeans, who, when they could do so with safety, treated them with the greatest indignities. Widely different was the behaviour of the soldiers. . . ."

right coupled with the singular privilege of enjoying the services of a Governor, a General, and an army furnished by this country. On the other hand, the mother country would be simply a tributary nation, affording at its own cost the means of carrying into effect the policy of the Colonial Ministers, without exercising any voice in the direction of that policy. It is sufficient to state these conclusions. It is not necessary to enter into any discussion of them." England had furnished an army of the finest troops under an accomplished General, had consented to guarantee a loan for the service of the colony, and Mr. Cardwell looked for a spirit of reason, of good sense, and of cordial co-operation, which he was confident would not be appealed to in vain. The Governor's new advisers would be compelled to include Mr. Cardwell as a factor in the forces which would control New Zealand so long as Imperial troops might be retained. On the 21st October, 1864, there had been a public meeting at Christchurch, at which Mr. Weld had advocated a policy of self-reliance. Let the colony take all the expense and all the control of the Maori question and war. Let every soldier go. Let the General Assembly be convened without delay. Sir George Grey found in such a speaker the Minister he required. Oral agreement having been arrived at, the terms were reduced to writing. Mr. Weld pronounced "the system of double Government by Governor and Ministers" to have "resulted in evil to both races." He recognized the right of the Home Government to maintain the existing system while the colony received aid from British troops. He accepted the alternative, and would "recommend the General Assembly to request the Home Government to withdraw the whole of its land force from the colony, and to issue such instructions to the Governor as may enable him to be guided entirely by the recommendations of his constitutional advisers, excepting only upon such matters as may directly concern Imperial interests, and the prerogatives of the Crown." Pending the decision of the Imperial Government he would ask the Assembly to "undertake a reasonable liability for the services of the troops actively engaged in the field at the special recommendation of his Excellency's advisers, and for such troops only." A colonial force would be kept on foot, a military post occupied about the

centre of the coast-line of the Ngatiruanui country, and a road would be made from Wanganui to the northern part of the Taranaki province. Arrangements made with military settlers were to be fulfilled by taking sufficient land out of the territory held by military occupation. The seat of Government would be at once moved to Wellington in accordance with the recommendation of the Commissioners. If there should be material difference between the Governor and his advisers during a recess, Mr. Weld would resign, and in such case he thought that either the Assembly should be summoned or other advisers chosen. The boldest part of Mr. Weld's scheme was not that which seemed so at first sight. As he intended to make use of Maori warriors on the side of the Government—an arm not largely resorted to in 1863—and there were tribes ready to fight with or without provocation, the dispensing with English troops was not so daring a measure as it appeared abroad. But in financial affairs the Government was helpless. The Whitaker Ministry were wise in their own generation when they shrunk from exposing to a probable Minister the condition of the New Zealand Treasury. Mr. Weld with undoubted resolution addressed himself to the task, and by the weight of his reputation made arrangements which tided over the difficulty, until by taxation it could be fairly met. He ever professed friendship for the Maori, although he could not be brought to recognize the Ngatiawa tribal tenure at Taranaki; and one of his first acts was to ask the former magistrate of the Waikato district, Frederick Dart Fenton, to become Chief Judge of a Native Land Court to be established by law. The Court which the Act of 1862 enabled the Governor to create from time to time had proved almost a dead letter. What Maori could be urged to appeal to it while Whitaker and Fox were advisers of the Governor? The first necessity was to pass a new law without delay. Under it the Judges like those in England held office "during good behaviour." They were no longer to be the ephemeral creatures of a Governor or of his advisers. They were to be assisted by native assessors (holding office only "during pleasure"), whose concurrence was necessary in any judgment. The salaries of the Judges were fixed by the creating law. Thus was seen the first rift in the cloud

of oppression with which Whitaker and Fox had enshrouded the Maoris by their Confiscation (New Zealand Settlement), and their Oppression (Suppression of Rebellion) Acts. Between 1860 and 1865 arms had expelled the gown from the solemn atmosphere over which justice is wont to preside in dealing with hereditary and treaty rights. With a convenient Governor like Colonel Browne, and a lax Secretary of State like the Duke of Newcastle, the whole of the North Island might have been pilfered from its owners. Though the great majority of a tribe might be loyal, there might be a few hostile to the Government, and on that plea the whole territory might be confiscated. Mr. Whitaker had contended that such a power was the essence of his needs. It was known and admitted by Governor Browne that the great majority of the tribe were on the side of Te Rangitake. The native rights which the Government literally cast into the fire in 1860 were now to be the subject of inquiry by law. Mr. Weld was wise enough to know that unless the law so earnestly sought by Sir William Martin could be applied to unloose the Gordian knot of Maori tenure, nothing but the sword would remain. The preparation of the necessary measure was a work of time.

## CHAPTER XIII.

## THE WELD MINISTRY.

MR. WELD'S propositions being committed to paper, Sir George Grey wrote: "If a majority of the General Assembly concurs in them, it will be the Governor's duty to aid to the best of his ability in carrying them out." Mr. Sewell, Mr. Fitzherbert, Mr. Richardson (in the Council), Major Atkinson, and (in December) Mr. Mantell, accepted office on the terms thus arranged. The Houses, summoned to meet for despatch of business on the 21st November, had by successive proclamation on the 19th and 22nd been prorogued to the 23rd and 24th while the Governor sought for advisers. When on the last-mentioned date they assumed office he thanked the members for responding at an unusual season to a summons rendered imperative by the state of the colony and the resignation of his advisers. Acting on his individual responsibility he had offered terms of pardon to natives in arms against the Queen. It was his intention to take prompt steps to restore order in the Taranaki and Ngatiruanui districts. The speech dwelt upon the principles embodied in Mr. Weld's memorandum on acceptance of office. After an attempt, (defeated by 29 votes against 17, amongst the Representatives,) to postpone the removal of the seat of government "until provision has been first made for constituting the province of Auckland a separate colony, to be ruled by a Governor appointed by Her Majesty and a Legislature to be chosen by the inhabitants thereof," addresses were carried in both Houses which were cordial in character, but reserved for consideration the question of self-reliance in internal defence and the assumption of colonial responsibility as proposed by Mr. Weld. It is grateful to record the fact, that in

office Mr. Weld condemned the Suppression of Rebellion Act as vigorously as when he was a private member. "It was unnecessary and unconstitutional, taken from a bad type of barbarous ages. All that can be said in favour of this disgrace to our statute-book is that it has been a dead letter." Mr. Sewell as Attorney-General resumed the lead in the Legislative Council, and moved resolutions accepting the propositions of Mr. Weld. Mr. Whitaker moved an amendment to the effect that temporarily New Zealand ought to be divided into two colonies—the southern administered on the principle of ministerial responsibility; the northern on a system enabling "the Imperial Government to exercise such control over the management of native affairs as will enable Her Majesty's Government to take such measures as it may deem necessary to suppress the present rebellion, and provide safeguards against rebellion for the future." By 10 votes against 9 Mr. Whitaker's motion, so strangely opposed to his acrimonious contentions with Sir George Grey, was rejected; and the Address accepting Mr. Weld's principles was adopted by 16 votes against 2, on the 6th December.

In the House of Representatives Mr. Weld moved, on the 30th November, resolutions condemnatory of joint responsibility of the Governor and his advisers in native affairs. Divided Councils, vacillating policy, and needless expense were imputed to it. "Recognizing the right of the Home Government to insist upon the maintenance of this system of double government so long as the colony is receiving the aid of British troops," the House was invited to accept the alternative, to request unconditionally the withdrawal of the whole of the land force, and ask that the Governor should be guided entirely by his "advisers in native as well as ordinary affairs, excepting upon such matters as may directly concern Imperial interests and the prerogatives of the Crown." It was thought that a precipitate withdrawal of the troops was rash and dangerous. After adjourned debates, and a failure by Mr. Graham to provide for separation of New Zealand in the manner aimed at by Mr. Whitaker in the Council, friendly resolutions were carried by the Minister of Defence, Major Atkinson, without a division. They expressed loyalty to the Crown, gratitude to the mother country, and thanks to Her Majesty's forces. They trusted

that Mr. Cardwell's instructions had been issued to meet a temporary emergency, and would lapse when a normal state of things could be restored. "Without disputing the claim of the Imperial Government to exercise a reasonable control over policy upon which the restoration of peace must necessarily depend whilst the colony is receiving the aid of British troops," they averred that divided councils had produced great evils and expense: "That nevertheless the colony is resolved to make every further possible effort to place itself in a position of self-defence against internal aggression, with a view to accept the alternative indicated by the Home Government, namely, the withdrawal of Her Majesty's land forces at the earliest possible period consistent with the maintenance of Imperial interests and the safety of the colony; thereby enabling the Imperial Government to issue such instructions to his Excellency the Governor as may permit him to be guided entirely by his constitutional advisers in native as well as in ordinary affairs, excepting upon such matters as may directly concern Imperial interests and the prerogatives of the Crown." Substantially Major Atkinson's resolutions were the same as those adopted on Mr. Sewell's motion in the Council. Both Houses had therefore agreed upon a new starting-point, which was to furnish endless disputes in after years. Almost all men of political note had supported it, however, and from danger of internal interference it seemed free. Mr. Dillon Bell, Mr. Domett, Dr. Featherston, Mr. Fitzgerald, Mr. Fox, Mr. Mantell, Mr. Stafford, Mr. Fitzherbert, Mr. Weld, Mr. Cracroft Wilson, Mr. Crosbie Ward, Mr. Swainson, Mr. Sewell, Major Whitmore, and (after rejection of his attempt to bisect the colony) Mr. Whitaker, were sponsors of the new scheme. The electoral roll of the colony at the time was less than 30,000; or less than that of any suburban constituency around London. The fate of the Maori race was to depend on about the number of voters which sends two members to Parliament from Edinburgh.

The session was short. An Act was passed enabling the Governor in Council to raise the interest on the loan for £3,000,000 (1863) from 5 to 6 per cent. A Debenture Act authorized the issue of short-dated debentures (three years) at 8 per cent. interest in anticipation of the loan for £3,000,000.



A Customs Act, with the hope of increasing the revenue to the extent of £190,000, raised the rate of duties on imports. A Public Works Land Act authorized the taking of native lands as well as those of Europeans on the giving of compensation. A New Zealand Settlements Amendment Act, intended to comply with Mr. Cardwell's requirements, was adopted. Minor Acts and Private Acts need not be enumerated, although there were several, dealing amongst other matters with railways at Canterbury. An Act to provide for a mail service by Panama was passed. On the 13th December, the Assembly was prorogued with the assurance that, before the expiry of the current financial year, it should be convened at Wellington. On Mr. Fitzherbert's motion the House had resolved that it was not expedient to accept the offer of the Imperial Government to guarantee £1,000,000 of the loan for £3,000,000. The objections stated were that priority of charge was required for the guaranteed portion, and the territorial revenue was to be included in the security. It was resolved that the accounts should be adjusted, and "the true and just balance found due from the colony" should be paid. But resolutions provide no funds. A loan implies a lender, and confidence of capitalists is not engendered by mere words. Confronted by the financial difficulty in their studies the Ministers found it looming large. On the 3rd January, they pathetically appealed for relaxation of the rule as to contribution towards army expenses. "If from any cause the withdrawal of Her Majesty's land forces should be delayed for any lengthened period, and the terms now imposed by the Imperial Government should be insisted on, the colony will be wholly unable to bear the burthen, and financial ruin will be the result." Because the House had thought it rash to withdraw the troops suddenly Mr. Weld had slightly changed his front, and looked for delay. He found the weight of delay intolerable. Look where he would there was trouble. But the tender mercies of Britain could be appealed to. New Zealand was a very young colony, founded by "the Imperial Government, and may not unreasonably look to it for help in time of need like the present." It was true that peace existed, but measures then being taken between Taranaki and Wanganui "would involve the colony in heavy cost." Subject to their present appeal *ad misericordiam*,

the Ministry would give effect to the resolutions of the House, and enter upon the question of accounts with the Imperial Government. If the war expenditure of the colony had not been brought about by the original sin of the Taranaki settlers, of Mr. Stafford, Mr. C. W. Richmond, and others, it would indeed have been entitled to commiseration. Mr. Fitzherbert, the Treasurer, in his financial statement (December, 1864) had shown that of the one million sterling sold or hypothecated the colony would only receive £810,000. He was not sanguine enough to expect more than £1,620,000 for the remaining £2,000,000 authorized by the Loan Act. Anticipation and discount, the one ever more exorbitant, the other ever more difficult, were the keys to the windy treasury of the colony. It is not wonderful that the lands of the Maoris were still eyed eagerly as the talisman of redemption. The claims of the British Treasury could not be dismissed, but might be discussed. Discussion would put off the day of reckoning, and meantime the spirit of their countrymen would shrink from abandonment of the colonists. The vitality of the new Government depended on discussions in the parlour of the Bank of New Zealand. An agreement was arrived at on the 29th December. The Bank was empowered to issue debentures for £750,000, £50,000 of which were to be offered in New Zealand, £200,000 in Australia, and half a million was to be offered in London. The interest was to be 8 per cent. The Bank was to receive 7 instead of 5 per cent. on its overdrawn account, and to have power to hypothecate the debentures in case of failure of sale, the Government bearing the expense of hypothecation. The Bank was to have a commission of  $\frac{1}{2}$  per cent. on negotiation. These terms appear more like the bargain of a young spendthrift than the state paper of a nascent nation; but, such as they were, they form the warp of its life. The Inspector of the Bank went to Australia, but capitalists were obdurate. "The chief causes of failure were," he reported, "the general ignorance which prevails as to New Zealand affairs, and the impression that the colony is involving itself in debts, the redemption of which will be problematical." One capitalist in Melbourne offered to take £10,000 of the debentures at 10 per cent. discount, but to such an indignity the Inspector would not submit. To receive £9000, pay £800 a year for three years,

and then to pay £10,000, was more than needy New Zealand could undertake. Some trifling sums were obtained at about par, and a friendly bank in Melbourne lent for six months £40,000, at 10 per cent. per annum interest. Out of the abundance of capital in London a small portion was attracted by the hope of 8 per cent. Yet less than £200,000 were obtained within a month of the submission of the debentures. The cost of colonial defence was at the time nearly £450,000 a year. Military settlers at Waikato and Tauranga cost, in pay and rations, more than £156,000 a year; and with Taranaki, White Cliffs, Opotiki, Waiapu, and contingent hospital expenses, military settlers required nearly £300,000 a year. Notwithstanding a favourable turn in the London money market New Zealand stock was practically unsaleable in May, 1865. In March the Ministers drew up a memorial, entreating assistance. They admitted that good faith required payment of the debt of the colony to England. They had transferred £400,000 (4 per cent. debentures) to the Imperial Government, and they left it to that Government to hold them as securities, or to cover them with a guarantee. They appealed to Sir George Grey to testify that they had never proposed "to recoup war expenditure by hasty and indiscriminate sale of confiscated land," and that they had "co-operated with him in a just and temperate policy" towards Maoris. They hoped that the English Government would recognize the claims of the colony, "either by covering the remainder of the three million loan by the Imperial guarantee, or by making to the colony an annual grant in aid of extraordinary expenditure for the next four or five years." Sir George Grey supported their appeal for the guarantee, which would cost the mother country nothing, aid the struggling colony in its manful efforts, and might enable both races to live in peace in future. Mr. Cardwell in July unequivocally declined. Were he to ask Parliament to consent he would be reminded that already the Imperial Treasury had disbursed two millions for New Zealand, and that the resources of the colony, as represented by Mr. Reader Wood in applying for the former guarantee, were such as to refute the supposition that it could require a vote in aid.

The effect of these negotiations was to harden the resolution

of Mr. Weld and his friends to dispense with British troops and rely upon a small force trained for bush-fighting, and aided by the pugnacious Maoris, who, ever prone to tribal wars, were reckoned upon as available for a native militia. Mr. Weld, however, alleged that he desired to avoid, if possible, the "setting of tribe against tribe," and hoped that the union of the Pakeha and the Maori in the battle-field would "strengthen the good feeling between the races, besides being a great assistance to the colony."<sup>1</sup> Within a week of the end of the session the Governor issued a proclamation (17th December, 1864) to confiscate Maori lands. He had staunchly contended against the schemes of Whitaker and Fox, but he did not, when Mr. Weld was in office, insist upon procuring land by cession rather than by seizure. The land to be taken was "all the land in Waikato taken by the Queen's forces," within specified lines from "Pokorokoro in the Gulf of the Thames," by Maungakawa in the Waikato district, Pukekura, Orakau, the Puniu river, the Pirongia mountain, Whaingaroa harbour, the coast to the Waikato Heads, thence by the river Waikato to the Maungatawhiri river, and northwards circuitously to the point of commencement. In addition "all lands northward of the above boundaries belonging to rebel natives or tribes up to and as far as the waters of the Manukau and the Waitamata" were declared confiscated. It was added: "The land of those natives who have adhered to the Queen shall be secured to them. . . . To those who have rebelled but who shall at once submit . . . portions of the land taken will be given back for themselves and their families. The Governor will make no further attack on those who remain quiet. Those guilty of further violence he will punish as he has punished the Waikato tribes." Between Wanganui and New Plymouth he would "take such land belonging to rebels as he may think fit;" would make roads where he chose; would assure to the peaceful the "full benefit and enjoyment of their lands," but would except from the amnesty those who had committed murders. Mr. Weld's Ministry had stretched the Governor's conscience from Ngaruawahia to Orakau. The great Waikato plain between the waters of the Horotiu and the Waipa was accorded to the demands of Weld, though refused to Whitaker.

<sup>1</sup> 'Notes on New Zealand Affairs.' F. A. Weld. London: 1869.

Kawhia was left, but from the Puniu river to the waters of Waitemata the natives were exiled; and in Taranaki the will of the Pakeha was to declare whether any footing on a rock should be left for the sole of the foot of a Maori. Mr. Cardwell's wisdom was discarded in the new-born concord of the Governor with his fresh advisers. Some qualms were felt even in the Cabinet about the proclamation, for we find that before the General went (January, 1864) to Wanganui, a new proclamation disclaiming any "desire to take lands of the rebel natives as a source of profit" was "unanimously approved" in the Executive Council. It limited the area to be confiscated on the west coast, and was to be entrusted to the Native Minister, who was to accompany General Cameron on an expedition to Wanganui. It was cancelled lest it should "embarrass his military operations."<sup>1</sup> It would have been strange if a Ministry containing H. A. Atkinson, one of the Taranaki Maori-haters, had abstained from war. The session had barely come to an end when a Ministerial memorandum declared it necessary to act at Taranaki and Wanganui; to form military settlements and roads between the two places, and as soon "as circumstances may permit to occupy as a military settlement a block north of the mouth of the Waitara river."<sup>2</sup>

The General quickly showed that he had little confidence in the moderation of the Governor's advisers. "If the extensive scheme of confiscation, road-making, &c., contemplated by Ministers (in which I do not know whether you concur or not) is to be carried out, I think we ought to apply at once for re-enforcements." The carrion-birds which, under the name of contractors, batten upon the miseries of war, growing to redundancy like weeds upon a dunghill, had not failed to find a home in New Zealand. It was natural that the regular army should recoil from a service in which a quarrel had no sooner died out in one quarter than it was revived in another. When the Waikato chiefs withdrew from Taranaki, Governor Browne proposed to make war on Waikato. When Waikato was desolate Tauranga was pounced upon. When Tauranga was at rest

<sup>1</sup> N. Z. P. P. 1879; A. 8.

<sup>2</sup> The gradual encroachment deserves notice. In 1859 the Government said they were willing to leave Rangitake unmolested on the north bank.

war was to be transferred to the west coast at Waitotara. The General went to Wanganui on the 20th January, and wrote on the 21st: "The more I think about it the more I am convinced that we have done wrong in bringing war into this hitherto quiet settlement." A Major in the service had written to him before he left Auckland: "One thing is very certain, and that is that the men who sold the (Waitotara) block had no right to do so, and it is the old Waitara dodge for getting up a war, and the consequent military expenditure at Wanganui." On the 28th January, the General (in a private letter subsequently laid before the Assembly) wrote: "I have made inquiries about the purchase of the Waitotara block, and have reason to believe that it was a more iniquitous job than that of the Waitara block. I am not surprised that the natives have opposed our road-making. The Government at home ought to be made acquainted with the true history of the business." When the General was requested to furnish the grounds of his objections he declined to do so. In surveying the field of operations he found that the Maoris were entrenched in a stronghold—the Weraroa pah—within 20 miles of Wanganui. As early as the 28th January he wrote: "I consider my force insufficient to attack so formidable a work as the Weraroa pah." Posts, escorts, and protection of Wanganui would diminish his strength, and "instead of 1100 men, my present available force, I should require 6000." A short distance beyond Weraroa was the Waitotara river. The General proposed to cross it, and proceeding northwards to establish a post at the Patea river; but his plans seemed vague, for he declared that if he should succeed he would "have but a small force left for anything else." No advantage to the north of the Waitotara river would compensate for losses near Wanganui by irruption of rebels. In the bitterness of disgust he exclaimed: "All the well-to-do settlers are, I believe, aware of the folly of this cruise and deprecate the war, but the shopkeepers and settlers greedy of land of course delight in its continuance." He was early compelled to fight. Near Nukumarū, close to the Weraroa, the Maoris, under Hone Pihama, attacked his "picquets so suddenly that they were forced back some distance before re-enforcements could arrive." On the right they penetrated to within 100 yards of the camp. The English loss was considerable,

but it was thought that the Maoris had suffered more, although only 11 killed and 2 wounded were found. The friendly natives on the river, under Hori Kingi, Mete Kingi, and others, who had fought at Moutoa, were attacked by the rebels, but beat them off with loss of 25 killed and 4 captive chiefs. The victors had to deplore the death of the chief, John Williams, the principal actor in the capture of the murderers of the Gilfillans in 1847. The country was difficult, the enemy numerous and daring. "I would, therefore, recommend that your Excellency should apply by the first opportunity for a re-enforcement of at least 2000 men, and for a still larger re-enforcement if, in addition to the occupation of the country between Wanganui and the Patea, the road between Taranaki and Wanganui is to be opened, and more land is to be confiscated and occupied north of the Waitara, which I understand is to be the plan of the Colonial Government approved by your Excellency." It is disheartening to reflect that at this very period there was in the British army, left (as far as official neglect could cause such a catastrophe) to rust from misuse, one of those rare geniuses for war and for rule of mankind which fitfully appear upon the earth. Charles George Gordon, after performing in China feats unsurpassed by Greek or Roman,—after winning battles and taking cities with troops a tithe in number of his enemy and composed of the same material,—when his work was done modestly retired, unenriched by spoil, leaving behind him a moral lesson which the Chinese ruler could admire though not comprehend.<sup>1</sup> Soochow had fallen in 1863, and till the Chinese Government apologized for the slaughter of surrendered enemies, and had guaranteed that where Gordon was present at a capitulation nothing should be done without his consent, his troops were idle for a time, during which he might

<sup>1</sup> Prince Kung declared to the English Minister, Sir Frederick Bruce: "We do not know what to do. He will not receive money from us, and we have already given him every honour which it is in the power of the Emperor to bestow; but as these can be of little value in his eyes I have brought you this letter, and ask you to give it to the Queen of England that she may bestow on him some reward which may be more valuable in his eyes." The Ministries of Lord Palmerston and Earl Russell must divide the shame of not seeing that to send so just, so bold, and so humane a hero to New Zealand, would have been better than to leave him to rust. In after years the Khedive of Egypt was wise enough to seek his services, which were as striking in Central Africa as in China.



have been withdrawn for the direct service of his country. When a guarantee had been given that no wrong should be done to prisoners submitting to his arms, Gordon resumed operations; but he left China in 1864, and might have been entrusted with the command in New Zealand, where his gallantry, wisdom, humanity, and piety would have made their mark and honoured his country. He received brevet distinctions, and was in process of time remitted to a paltry staff appointment—at Gravesend.

General Cameron strengthened his force by withdrawing troops from Wellington, and from Taranaki, and crossed the Waitotara on the 5th February. The Maoris retorted by killing a settler and a militia soldier who was "out contrary to orders, plundering a Maori settlement." There was panic among the settlers. The General sent 150 men to Wanganui, and asked the Governor to repair thither to consult with him. The savage Hau Hau fanaticism was not only rife at the west coast. The prophets, finding the General bent upon war, made a diversion at the east. Two of them, with Hori Tupaea of the Ngaiterangi, and Tiu Tamihana of the Ngatihaua, undertook to stir up the tribes. Colonel Greer, still commanding in the district which he had quelled at the battle of Te Ranga, was informed of the invasion, and wrote to the Arawa chiefs. "This is my word to you; when they go into your country, catch them and fetch them up to me." The invaders were on the Maketu river expecting others to rally round their flag. The Arawa chiefs pursued and captured the whole party of 50 on the 8th February. The prisoners were, after a march of 38 miles, delivered to the English. Hori Tupaea, who had been captured separately when unarmed, expressed his regret to Colonel Greer, and offered to take the oath of allegiance. He had been deceived. The Colonel allowed him to remain on parole in the camp. The Governor accepted the penitent's promise to assist in quelling disturbance, to reside where the Governor might direct, and to observe the terms accorded to the Tauranga natives in the previous year. The blow given to the Pai Marire faith was severe, but the hostile natives were enraged against the Arawa chiefs, and tribal wars were anticipated. It was unhappily clear that the Hau Hau tenets had been accepted in many tribes, and

it was impossible to guess where or when some new atrocity might be perpetrated to sicken the English of the land, and drive them away in loathing.

Early in March the Governor was at Wanganui, having on the 4th requested his advisers to furnish him with a full and explicit statement of their objects, as he feared there was an impression abroad that the war was prosecuted for the profit and gratification of the colonists; an imputation which the Ministry denied in a formal document on the 20th March. At Wanganui, the Governor found that the existence of the Weraroa stronghold was damaging the reputation of the English. The Hau Haus had made a triumphant song about it. They said their prophet had waved his arms, and the General and his men were fain to skim along the coast like seagulls. The native allies asked permission to attack the pah. The General was amused at their presumption in thinking the task easy. On the 8th, he wrote to the Governor; "I would strongly advise your applying for a re-enforcement of at least 2000 men from England." Without them the coast-line between the camp (at Patea) and Taranaki could not be occupied. The Ministry would not concur with this proposal, and the Governor agreed with them. He believed that before long the natives would "submit in nearly all parts of the island," and that the war might be terminated before re-enforcements could arrive. And now another horror cast its lurid glare upon the times. When Captain Lloyd's head was carried away, in 1864, it was at Pipiriki, about 80 miles up the Wanganui river, that it had been placed on a pole, and there the frantic fanatics danced round it in furious orgies, rushing up, biting it, and treating it with brutish indignities. Again, in 1865, the baked head of an English soldier was taken thither by fanatics led by Patara and Kereopa. They were to stir up the tribes in the Bay of Plenty. At the same time the prophet Te Ua did not counsel assaults upon colonists. His written instructions were: "While on your journey do not interfere with those whom you may meet. Do not quarrel with the Pakeha. . . . At Turanganui give Hirini te Kani the flag and the man's head." On the way, 200 of the Uriwera tribe were indoctrinated. The head was used as a mystic symbol. Terror caused by it took possession of each as

it was shown to the file of Maoris; and each sprang out of the row in turn. Kereopa, the officiating priest, then said: "You are now possessed of the Deity. Let the widows of those who fell at Orakau approach and vent their anger on this head and on the Pakeha prisoners." The maddest of them obeyed him.

On the 1st March, the Rev. Carl S. Volkner and the Rev. T. Grace, missionaries, arrived in the Opotiki harbour. In February, a lady living at Whakatane wrote to warn Mr. Volkner to stay in Auckland, for mischief was on foot. It was not till the bar was crossed and regress was impossible that the voyagers saw assembled by the river-side a band of the Pai Marire. Patara and Kereopa, after turning the hearts of disciples to ferocity at Taupo, Uriwera, and Whakatane, had arrived at Opotiki. The vessel was in their power as soon as she was anchored. The missionaries were ordered on shore in the afternoon. The vessel was rifled and her contents were placed in a store of which the Maoris kept the key. A violent Hau Hau meeting was held at the Roman Catholic Chapel. It was strange that as in China the Tac-ping (Great Peace) rebels professed to link with direct revelations through their chiefs, some Christian tenets, so the Pai Marire (Good Tranquillity) desperadoes, when throwing off their allegiance to the Queen and disavowing the religion of England, assumed a portion of the Roman Catholic cult. The Scriptures were to be burnt, but the Virgin Mary was ever to be present with the Hau Haus, who were to slay and devour their foes. The Christian Sabbath was no longer to be respected as in England. There was to be no marrying or giving in marriage, for by promiscuous intercourse, under the rule of priests gifted with supernatural powers, the Pai Marire would be as the sand of the sea-shore for multitude. The first profession of these tenets had disgusted the manly Wi Tako. The king-maker was about to condemn them. On the 1st March, the Hau Haus kept up their orgies in the Roman Catholic Chapel beyond the mid hour of night. The captive missionaries and sailors heard the horrid din. A Taranaki native guided them to an enclosure in which to rest. The sailors joined heartily in reading the evening psalm. In the morning the very air seemed full of omen that some dreadful deed was to be done. Mr. Volkner paid to a Maori widow a small legacy which it was his custom

to disburse to her. She said nothing to warn him, but in half-an-hour twenty armed men appeared, performed some cabalistic rites, and called on Mr. Volkner to go with them. Mr. Grace wished to join him, but was forced back, and locked up under guard. His turn, he was told, would come next. Two hours he was in agony about his friend. Heremita, who had led away Mr. Volkner, returned and conversed with the guard. Mr. Grace heard the words (in Maori) "hung on the willow tree." They went to his heart. He told the sailors, who said: "All is over." They were called out and marched between files of Maoris past the open space near the church. They were robbed and shut up in a house with their hands tied behind their backs. Mr. Grace inquired about Mr. Volkner, but no word was vouchsafed. The murderers shrunk from telling what they had done. Yet they had taken possession and slain in open day. Before Mr. Volkner's arrival his house had been broken open, his goods sold, and war-dances were held in his church. When they seized their victim they dragged him with a rope round his neck, and hanged him on a willow tree. But the ruffian Kereopa would not wait for gradual death. The body was lowered, and Kereopa fired upon it. Again it was raised with violent jerks. The Maori wife of a European told her husband what she saw. The Roman Catholic chief Hiki remained in his pah during the murder. The body was carried to the Protestant chapel. Kereopa told Hiki to come and see. Hiki saw. Kereopa said: "I have killed him, now you cut off his head." Hiki did so. Kereopa then called on all the hapus, men, women, and children, to come and taste Volkner's blood. They did so. Kereopa then scooped out and swallowed the eyes. Patara was absent making converts, and it was not supposed that he would have joined in the atrocities, for although he had assisted in plundering Volkner's house, he left a letter warning Volkner not to return to Opotiki; and after Volkner's murder he disclaimed any participation in it, and called Kereopa to account. Mr. Grace and his companions were led to the house of a Mr. Hooper, who was ill. Six or seven natives, four sailors, the sick man, and Mr. Grace were shut up in one room. After an hour and a half they were unbound. Previously a Maori had lifted a panikin to the mouth of each to let them

drink water. Mr. Grace asked why they were unbound. The answer was: "A time to bind and a time to loose, a time to kill and a time to make alive." Shut up in the suffocating atmosphere of the small room, the prisoners passed the day and night. "As I lay awake," Mr. Grace wrote, "I could distinctly hear the confusion, dancing and shouting going on in the Romish chapel, and also in the church." He commended himself and his companions to "the watchful care of our Heavenly Father." In the morning (3rd March) he found a Prayer-book. The wonderful Psalms of David touched him, as they have touched the spirits of so many myriads of mankind, with a graciousness not of this world. "Some of the Psalms for the day" (he wrote) "appeared written for the occasion." In the comfort of the resurrection and the hope of awaking in the Divine likeness, the soul of the prisoner found strength. Patara had been sent for to decide upon Mr. Grace's fate, at a meeting. Throughout the 3rd and 4th of March there was suspense. On the night of the 4th, Patara returned. Mr. Grace sent a message to him in the morning. He passed the prison, shook hands with Mr. Grace, and spoke a few words. An hour afterwards the prisoners were summoned to a meeting in Mr. Volkner's church. Three hundred natives were assembled. The Taranaki fanatics seated themselves within the communion-rails. Europeans were present also. Patara denounced soldiers, Ministers, and Englishmen. For all Jews, Frenchmen, Scotchmen, Austrians, and Germans, he had love. Natives brought charges against the murdered Volkner. He had gone to Auckland as a spy, a cross had been found in his house, therefore he must have been a Romanist and deceiver, and he had returned to Opotiki after being told to stay away. Mr. Grace defended his dead friend; and though Patara replied, he said nothing in justification of the murder. Mr. Grace was attacked for going to Taupo recently, and for sundry supposed faults. The land question was the subject of a long harangue, to which he replied that neither Volkner nor himself had any land. Ransom was proposed by Mr. Grace, or exchange of prisoners. The Maoris agreed to take Hori Tupaea in exchange, and the captain undertook to carry the proposal to Tauranga. Mr. Levy, brother of the captain, was to remain at Opotiki, and the

captain was to continue to trade. On the 6th, Patara started inland, ordering that Mr. Grace was to be kindly treated, and permitting him to write to his wife. Mr. Grace assured him that Hori Tupaea (who was released by Sir George Grey) was already at liberty. On the 7th, Patara sent his letter as to the exchange, but the captain (although as Jews he and his brother were supposed to be favoured by the Hau Haus) was anxious to break the stipulations of the trial and carry away his brother. He cursed and swore at Mr. Grace, who argued against such a course. Mr. Agassiz, a resident, recommended Mr. Grace to pacify the captain by giving him a statement that the loss to the ship was occasioned by the presence of the missionaries. On the 9th, he gave it, but the captain refused to promise to carry Patara's letter to Tauranga. The natives still detained the captain's vessel. On the 13th, Eparaima, a native of Turanga, who knew Mr. Grace when he resided there in 1853, arrived with a message from a Pai Marire prophet, desiring Mr. Grace's release. Eparaima wept much, and went inland to a meeting to plead for his old acquaintance. On the 15th, Eparaima started to obtain further help; but it was ominous that on that day the Pai Marire raised a new pole for their worship, and a feast was to be held. Captain Levy's vessel was detained by want of a breeze. But help was at hand where least expected. The murder of Mr. Volkner, far from rousing the natives generally to like atrocity, had shocked them:

An insolent letter was written by the fanatics from "Opotiki, Place of Canaan," to "the office of the Government, Auckland." It purported to be from the committee of the Ngatiawa, Whakatohea, Uriwera, and Taranaki. "You crucify the Maoris, and I also crucify the Pakehas. But now release unto us Hori Tupaea and his companions, and we will then let go Mr. Grace." The date of the letter was the 6th March. From Whakatane, however, chiefs of the Ngatiawa, from Turanga, from Maketu, from Rotorua, from Huria, letters were sent to denounce the shedding of the innocent blood of the missionary. The Arawa at Maketu denounced the Ngatiawa because they had not actively prevented it, and threatened them with war.

H.M.S. 'Eclipse,' under Commander Fremantle, reached Turanga

on the 13th. The sailor and Bishop Selwyn found Bishop W. Williams amidst 300 Maoris, most of them armed. They had assembled to decide what they should do about the Pai Marire, some of whom were within a mile and a half of Bishop Williams' station. Bishop Selwyn addressed the assembly with fervour, but they could not be induced to take arms against the murderers. They alleged that their doing so would endanger Mr. Grace. They wrote to Hori Tupaea, urging him to go forward to assist Mr. Grace. The Bishop and his friends strove in vain to persuade the natives to dissociate the liberation of Mr. Grace from a demand for the release of Tupaea. Two Turanga natives went with the man-of-war to aid the object of the letter. On the morning of the 16th the 'Eclipse' was off Opotiki. The Turanga natives were landed in a boat. Captain Fremantle gallantly desired to go on shore to rescue the captive; but the Bishop urged that such a course "might endanger Mr. Grace's life, as horsemen were seen scampering to and fro along the beach, and it seemed impossible that Mr. Grace could now escape unobserved."<sup>1</sup> Meantime the three masts of the 'Eclipse' had been spied by a Maori from Mr. Grace's place of detention. Captain Levy and his brother got into a canoe and paddled down the river, refusing to let Mr. Grace accompany them. The landing of the Turanga natives had made a commotion. Shouting, ringing of the bell of the Roman Catholic Chapel, galloping of messengers to summon a meeting, distracted the settlement. Mr. Grace begged some to stay with him, but they said they would be killed if they did so. He was left alone for an hour and a half, and "felt forsaken on every hand," but found consolation in committing himself to the care of God. Then the boat returned. The captain had been sent back from the man-of-war to procure a friendly native, who, however, had gone to the Maori meeting two miles away. The captain busied himself with getting goods into the boat. A young man named Montague told Mr. Grace he would be taken into the boat if he would go quietly to the river-bank. He did so. None but an old woman saw his escape. He lay in the bottom of the boat till he was taken on board of the 'Eclipse,' after fifteen days' companionship with horrors. But the two Turanga natives

<sup>1</sup> Letter of Bishop Selwyn, 16th March, 1865.



were detained because of his escape. Commander Fremantle had towed Captain Levy's schooner out with boats, and no European but the trader, Agassiz, ventured to remain at Opotiki. It was fortunate that the bloodthirsty Kereopa was not the ruling spirit. Patara, after fourteen hours' of anxious negotiation, principally conducted by Bishop Selwyn, permitted the Turanga natives to return to the man-of-war.

It was afterwards officially testified that the labours of Bishops Selwyn and Williams had a salutary effect in repelling Maori sympathy from the Hau Haus. Some who had previously sympathized were roused to a sense of shame. Friends of the English were kindled to activity. The Arawa were eager for vengeance, and to prove their loyalty to the Queen. Bishop Selwyn himself, fresh from the scene, thus addressed the third Synod of his Church at Christchurch in 1865: "The war, which seemed to have come to an end, was renewed by the perversity of a few misguided men. Mixed with the new element of the confiscation of land it acquired a bitterness unknown before. The missionary clergy were believed to be the agents of the Government in a deep-laid plot for the subjugation of the native people. Our congregations melted away; our advice was disregarded. Exasperated by continued defeat, and loss of friends and relations, many became reckless. The feeling grew among them that they would abandon the religion of their enemies and set up one of their own. An impostor from Taranaki placed himself at the head of the movement. Pretended miracles, unknown tongues, inspiration from heaven, messages of angels, were alleged as usual in support of the imposture. The delusion spread and reached the east coast. New tribes were to be startled and overawed. A leader of inferior rank demanded of the people of Opotiki the sacrifice of their own missionary. No other life was touched of the many white men who fell into their hands. It was a murder of fanaticism. . . . Our first martyr died at peace with his enemies, and prayers for his murderers."

Whether Te Ua was fanatical at the first, or merely in wild despair, like many of his accomplices he sought to strike terror, and was prepared if need be to die a bloody death, must be matter for conjecture. The Maori was ever superstitious. It was on the mysterious influence of "tapu" that his primitive

polity was based. Though that polity had been well-nigh overthrown by Christianity, it had reasserted itself with hideous additions when the belief was accepted that the missionaries were leagued with the Government to rob and to subjugate the Maoris. In 1847, Sir William Martin had predicted such a result. Mr. Maning had declared that the rise of strange delusions, and belief in supernatural powers displayed in the person of priest or chief, were incidents often repeated in Maori life. The imputed unholy alliance between the missionaries and the Government had engendered the new Maori chimæra.<sup>1</sup>

Pouring out his sorrows to a friend in England the Bishop said: "Oh! how things have changed!—how much of the buoyancy of hope has been sobered down by experience!—when instead of a nation of believers welcoming me as their father, I find here and there a few scattered sheep, the remnant of a flock which has forsaken the shepherd. Think of my hanging on to a grapnel off Mr. Volkner's mission-station, not daring to land as Coley (Bishop Patteson) and I are accustomed to do at some heathen island visited for the first time. At this place I do not know how far it is right to go among my people, though in former times peace or war made no difference in their willingness to receive me. At present we are the special objects of their suspicion and ill-will. The part which I took in the Waikato campaign has destroyed my influence with many. You will ask, Did I not foresee this?—and if so, Why did I go? I answer, that though 10,000 men were sent from England no military chaplain arrived at head-quarters till the advance had reached its furthest point in Waikato. Then there were many wounded Maoris brought in from time to time to whom it was my duty to minister. Add to this that two of our mission-stations (those of Mr. Ashwell and Mr. Morgan) had been occupied by a native clergyman<sup>2</sup> and catechist, whom no threats could induce to leave their posts after the English missionaries were advised to retire. It was my duty to see they were not injured when our troops advanced, and this made it necessary for me to be in

<sup>1</sup> Δεινὸν ἀποπνείουσα πυρὸς μένος αἰδομένοιοι.—'Iliad,' vi. 182.

<sup>2</sup> Rev. Heta Tarawhiti. The reader will learn in what manner the Colonial Government endeavoured to make Tarawhiti suffer for his brave devotion.

the front, and thereby to expose myself to the imputation of having led the troops. This has thrown me back in native estimation more, I fear, than my remaining years will enable me to recover. . . . But what are my sorrows compared to those of the Bishop of Waiapu (W. Williams), who had completed his quarter of a century at Poverty Bay, and after constant effort and anxiety had just begun to rest upon a settled system, with a thriving college, seven native clergymen, a Diocesan Synod meeting annually, in which the proceedings were conducted entirely in the native language . . . ? In the midst of these sorrows we have solid comfort in the sight of the stability of our native clergymen, who have never swerved from their duty. . . . The real cause of war in New Zealand has been the new Constitution, and the cause of the greater bitterness of the strife has been the new element of confiscation introduced by the colonists against the will and express orders of the Home Government." (The argument that a Maori would feel more than anything else the punishment by confiscation might have) "some force if the Maori had committed some real crime of which he was conscious, but when he believes that the Englishman has only been waiting his time to do what he has now done, and that the land was doomed as much if the owners were innocent as if they were guilty, then confiscation becomes in their eyes simple spoliation and has none of the effect of punishment. Certainly nothing could look more like a determination to provoke a quarrel than the Waitara business. . . . The Hau Hau superstition is simply an expression of an utter loss of faith in everything that is English, clergy and all alike. . . . This is the result of seeking first 'the other things' except the 'one.' . . . O earth! earth! earth! such has been our cry. The Queen, law, religion, have been thrust aside in the one thought of the acquisition of land."<sup>1</sup>

It has been seen that the liturgy of the Hau Haus was compounded partly of elements supposed to be Roman Catholic, and that Kereopa and his comrades enacted many of their orgies in a Roman Catholic chapel at Opotiki before they murdered

<sup>1</sup> Bishop Selwyn to Rev. E. Coleridge, 26th December, 1865; *vide* 'Life of Selwyn. London: 1879. In 1881 the Bishop of Wellington (the Octavius Hadfield of Otaki, in 1839) assured the author that it could still be said with truth that no native clergyman had swerved from duty.

Volkner. They were ruffians and fanatics, but they could see what, even if he saw it, did not repel the first Marquis of Ripon from subjugation to a foreign yoke. They knew that a recognition of the Pope of Rome was treachery not only to the Queen, but to the very essence of English freedom. Obscured, betrayed, at times wounded almost to death, yet ever again bursting from its bonds, that English freedom of Church and State which preceded and survived the House of Normandy, and was in important particulars maintained by the greatest of English monarchs (Edward I.), was repellent at all times of foreign authority. For that reason the Hau Hau Maories courted the religion of Rome as a means of breaking down the loyalty of their countrymen to the Queen. There were some Roman Catholic Maoris in the district where the Rev. O. Hadfield had laboured from 1839 until 1865. When he was supposed to be in personal danger of attack from the Hau Haus (after the murder of Volkner), the Roman Catholic Maoris offered to protect him if he would flee to them. Their "mana" would be his defence. He answered that he was ready to lay his bones at Otaki, whether after violent or natural death, but nothing would induce him to move from his post; and his gallant bearing endeared him to all his neighbours so much that with the aid of the son of Rauparaha the efforts of the Hau Haus utterly failed at Otaki.<sup>1</sup>

The murder of Volkner revealed the savagery of which the new superstition was capable. If the fanatics could not meet European arms in the field, they could murder in the east and in the west. By singling out a pastor like Mr. Volkner in the midst of his flock, which dared not raise a voice in his favour, they had shown not only that no compunction was amongst them, but that the more eminent the victim the more grateful was his slaughter to the wild faith under cover of which they had sprung back at a bound to the savage and sickening cannibalism which had been a religion amongst them in the days of heathendom.

Where then was the centre of the new faith? Where best

<sup>1</sup> Bishop Selwyn, hearing of Hadfield's danger, wrote (7th June, 1865): "I am ready to join you, if you think I can be of any assistance, but I do not like to come without first communicating with you, as I am now suspected and slandered by all the king natives."

could it be sought and strangled? Its cradle was in the west, where the rape of the Waitara had led to desolation of Maori homes, but it found aliment wherever the policy of the Taranaki settlers was known. The gallant Wi Tako Ngatata went to the east coast to prevent its spreading. The settlers at Poverty Bay expressed in April, to him and his companion chiefs, their grateful sense of services conferred during his stay. "Notwithstanding that your own lives have been threatened, you have done your utmost to strengthen the hands of those who have been exerting themselves to save this district from those troubles which seemed to be coming like a flood upon it, and under the Divine blessing your efforts have been so far successful, that the influence of the Hau Hau party has very considerably diminished since the time of your arrival; and Patara and Kereopa have both left the district with their followers, having been unable to stand their ground against the opposition which has been brought to bear against them and their pernicious doctrines. May God preserve your own district from those troubles which you have shown yourselves so solicitous to avert from this."

Ihaka Whanga at Nuhaka, and Kopu at Wairoa, local chieftains on the east coast, boldly met three hundred Hau Haus, and at great discussions in April stemmed the tide of fanaticism. At about the same time (June) Tamihana te Rauparaha foiled the Hau Hau emissaries who visited Otaki to spread their doctrines. At Sir George Grey's request Captain Luce of H.M.S. 'Esk' visited the chiefs on the east coast in April and May, encouraging them to remain faithful to their religion and to law and order. With Mr. Fulloon as interpreter, he attended meetings which were apparently successful in instilling confidence; but he thought the Maoris were everywhere in a state of unhealthy excitement. The Bishop of Waiapu had left in displeasure, and his departure had shamed many Hau Hau converts. The ineffable capacity of depravity in man came before Captain Luce in a strange shape. A deserter from the 57th Regiment had been a companion of the Pai Marire.

Captain Fremantle having returned in May with the 'Esk,' had a skirmish at Opotiki before daylight, while unsuccessfully attempting to surprise a party of natives believed to be implicated in the murder of Volkner. At Awanui, Tiwai, a friend of

Volkner, pointed out one of the murderers, a half-caste, to two sailors disguised as Maoris, one of whom succeeded in grasping him by the hand before suspicion was aroused. He shook off his assailants and escaped amid shots from revolvers. Kereopa was in the interior. Patara with armed men held colloquy with Captain Fremantle on the 24th May. The chief "appeared quite prepared against a *coup-de-main*, and confident in his strength held a hunting-whip under his arm, but had evidently a pistol in each pocket." He denied complicity in the murder, and acquiesced in a proposal that he should return to Opotiki. It was satisfactory to know that at Kawhia Rewi repelled the idea that he or his tribe had sanctioned the murder.

Mr. George Graham being about to visit Waikato, in May, volunteered to meet the king-maker and other chiefs, and persuade them to take the oath of allegiance. Sir George Grey empowered him (9th May) to assure them of his friendliness, and desire to treat them with generosity, to bring prominently before them his letter of the 16th December, 1863, promising them kind treatment after the fall of Rangiriri, and to explain the proclamation of December, 1864, proffering pardon while confiscating land. In May also the Native Land Purchase Department was abolished, and it was notified that cessions of land would be negotiated for under the Native Lands Act of 1862 (to which the Royal assent had been given on the recommendation of the Duke of Newcastle in 1863), the operation of that law "rendering the continuance of the Land Purchase Department unnecessary." A proclamation issued in April denounced murder, cannibalism, and other revolting acts of the Hau Haus as repugnant to humanity, and called on all well-disposed natives and Europeans to aid in repressing them.

Mr. Graham saw the king-maker face to face, and weary of his country's woes the patriot, who had been baffled rather by the crimes of others than by his own mistakes, agreed to take the oath of allegiance at Tamahure before Brigadier-General Carey. The latter rode thither from his camp at Te Awamutu on the 27th May. Mr. Graham preceded the chiefs, bearing a paper written by the king-maker in these terms, which he was willing to sign under the British flag: "We consent that the laws of the Queen be the laws for the king (Maori), to be a

protection for us all, for ever and ever. This is the sign of my making peace, my coming into the presence of my fighting friend General Carey." When Waharoa arrived with his friends, he dismounted and walked uncovered towards Carey, who shook hands with him. The covenant was signed by the chiefs, and by Carey and by Graham. Te Waharoa said little, but he requested that the Governor would appoint a Commission to inquire into his character, which had been maligned, and would allow him to see again the face of his friend Tui Tamihana. The Governor telegraphed the submission to the Secretary of State, and wrote to Te Waharoa, who answered him from Mata-mata. . . . "All I think of is that peace is made. There is rest,—a breathing—from the weariness and fatigue of working this evil work of war. The weapons of war have been cast away." Important no doubt was his submission, and the Hau Hau brutalities had unwittingly tended to bring it about: but as Te Waharoa had failed to restrain Rewi in 1863, so it was certain that he could do nothing to check those whom Wi Tako had called madmen when he spurned any further connection with them. It seems fitting to couple the king-maker's submission with the atrocities which conduced to it.

Sir George Grey was at Wanganui when Mr. Volkner's death was reported. Friendly chiefs there had just guaranteed to the principal chiefs at Pipiriki, full pardon from the Government on submission. One of them, Topia Turoa, had come to Wanganui on the 14th March, to consult about the guarantee. That night the murder of Volkner was made known, with the horrible addition of the orgies round the soldier's head at Pipiriki, where Topia had been an accomplice in sanctioning the expedition to Opotiki, although from his youth he had been brought up in familiarity with Englishmen. The Governor saw Topia, who said (15th March) he had no desire to be there, but had come because he was sent for. He would not take the oath of allegiance. The Governor declared that Topia was responsible for the murder by having acted as a Hau Hau priest at Pipiriki, but as he had come to Wanganui under arrangement with Hori Kingi, Mete Kingi, and others he might depart. If even now he would take the oath of allegiance the promises made by the chiefs should be respected. "To-day he may



return up the river. To-morrow a large reward will be offered for his seizure; and if caught, he shall be tried for murder." Topia replied: "You say that I am implicated in the murders of Mr. Hewitt and Mr. Volkner. It is correct.<sup>1</sup> I am implicated in them, and also in the work of the Hau Hau." The Governor asked Mete Kingi if the chiefs knew that Hewitt's head had been at Pipiriki when they made peace there. Mete Kingi, Hori Kingi, and others said No; and Topia coolly said: "The head had passed on when Hewitt was killed; it was another head." He added that he had made peace with Hori Kingi, but not with the Europeans. "If you choose to arrest me now, you can. I am willing to be arrested without offering resistance. Do not think to frighten me into taking the oath of allegiance by threats. I will not take it. . . . I quite agree with what you say about offering a reward for me to-morrow." The Governor said: "He had better go at once. I will have no further intercourse with him. Topia left, and the friendly chiefs endeavoured to procure his submission; but he would do nothing more till he had consulted his friends. In after years he was to render signal service to the English. By the Governor's direction a body of friendly Maoris with 200 military settlers under Major Atkinson, the Minister of Colonial Defence, took possession of Pipiriki on the Wanganui river on the 3rd April, but did not capture Topia.

The relations of the Governor with the General were about to be galling to both, and injurious to the service. In apprising the General of Mr. Volkner's death, the Governor told him that it was an ancient custom with Maoris to endeavour to draw off an enemy's forces by committing some horrible murder far away. The murder of Mr. Volkner was marked with all characteristics of that custom. The General on the 14th March attacked a body of Maoris near Patea, and drove them off with some slaughter. One European killed and three wounded, formed the English loss, while eighteen Maoris were found dead, and many more were wounded. The Governor having remarked that the submission of the natives generally might be looked for at

<sup>1</sup> It was by implication only that Turoa could be accused of complicity in Volkner's murder. It has been seen that Kereopa's commission from the prophet Te Ua forbade violence towards Europeans.

an early date, the General in a friendly letter replied: "Their submission never appeared so far off as at present." On the 17th March, he asked whether in face of probable serious loss in the attempt the immediate possession of the Waitotara block was of such consequence that he was to attack the Weraroa pah, or continue his advance to Taranaki. Sir George Grey said that the question of possession of the Waitotara block had never entered into his calculations. However important the capture of Weraroa was to prevent wrong impressions on the Maori mind, and dominate the adjacent country, in the face of the General's opinion that he had not sufficient force for the task, he could not request him to take it. There was some trouble about obtaining advances from the commissariat chest to the Wanganui militia, but the General gave the requisite orders, grumbling at the same time at the occupation of Pipiriki. If it was to be taken because Captain Lloyd's head had been exhibited there, almost every rebel settlement would have to be occupied in the island. "We have too many irons in the fire."

In April the Governor sailed for Wellington and the east coast to make inquiries about the murderers of Mr. Volkner. On his way the Ministry advised with him not only on that subject but about rumours, that war was being carried on for the profit and gratification of the colonists, which they warmly resented. On the 7th April, Sir George Grey in a memorandum communicated to his advisers, sympathized with them, and suggested that military aid accompanied by such remarks as those of General Cameron was so undesirable, that it would be better for the colony to see the military force reduced and rely on its own resources. On the 8th, the Ministry concurred; declaring that it could not be hoped that the zeal and energy required for success in the field would be displayed by any officer, however distinguished, in support of a course branded by him with such severe reprobation. The Governor on this occasion wrote his despatch suggesting the withdrawal of troops and an Imperial guarantee for three millions, or a Parliamentary grant for four or five years, which, as has been seen, Mr. Cardwell declined to sanction. On the 4th March, without mentioning the General's comments upon the Waitotara block, the Governor

had recommended that inquiry should be instituted with regard to the purchase, as disparaging rumours had reached him. The Ministry were willing that Sir William Martin should be appointed a Commissioner for the purpose, but they wished to know the name of the Governor's informant. When asked at a later date for his reasons for believing that the purchase was an iniquitous job, the General, whose relations with the Governor were then unfriendly, replied that it was no part of his duty to collect information on such a subject, and he declined to enter into any correspondence with the Governor about it; but he would acquaint Her Majesty's Government with the information on which he had formed his opinions. It was true that the old lust for the Waitara raged in the minds of many. The Defence Minister, Major Atkinson, was one of the Taranaki conspirators who forced upon the Government the robbery of Te Rangitake. But specific proofs were not available for the General. It was difficult for him to show how the passions of men prompted their acts. When he furnished his reasons, they were resolved into a conversation with a stranger.

Facts about the Waitotara block were laid before the New Zealand Assembly in 1863. Dr. Featherston and others indignantly repudiated the General's inferences. General Cameron should have applied his intelligence to the quarrel between the Maori and the colonist at an earlier date. If he could have averted the crossing of the Maungatawhiri he might have had no need to protest against the purchase at Waitotara. There was open rupture between the Governor and General about a private letter of the latter (30th March) concerning the Weraroa pah. To have assailed the natives in a position so advantageous to them would not have punished them. "I have no doubt they would have been delighted if we had attacked their pah, and that they have been as much disappointed at our not attacking them as you and Mr. Mantell (Native Minister) have been. What is it to Mr. Mantell<sup>1</sup> or to any other Colonial Minister how

<sup>1</sup> The General was unhappy in singling out Mr. Mantell for reprobation. His voice and pen were often used more eloquently than the General's in demanding justice for the Maoris. The Governor was equally unhappy about the same time. It was in April and May, 1865, that he was lamely defending himself against Mr. Fitzgerald's criticisms on the seizure of the

many British officers and soldiers we lose in any operation they recommend, so long as the policy they advocate is carried out. And I confess that this is a point which it appears to me has never sufficiently entered into your calculations. . . . I have a grave responsibility in the matter, and having already lost a great many valuable officers and men in attacking pahs I think I may be excused if I am somewhat cautious in undertaking operations of that description without the most absolute necessity."

This imputation of carelessness of soldiers' lives had roused Sir George Grey's wrath, when, on the 7th April, he recommended his advisers to dispense with troops; and when, on the 9th, General Cameron informed him that he had sent copies of the correspondence to the Secretary for War, the Governor cast the button from his foil, regretted that such imputations should have been made against himself and the Ministry, still more that they should have been sent to England unaccompanied by any reply, and added: "You will, I am sure, feel that I cannot after this continue a private correspondence which subjects me to difficulties of this nature" (17th April). The familiar style of friendly address between the Governor and General ceased with this letter, which the latter merely acknowledged. The General was in ill humour with his campaign. He followed the Governor to Auckland to obtain definite instructions. On the 3rd May, he grumbled at the publication by the Ministry of the Governor's memorandum about rumours that the Waitotara purchase was iniquitous. Though the Governor had not pointed out the General as the author or abettor, the Ministers' personal attack on the General showed that they "were fully aware of the person to whom the memorandum was intended to refer." He would forward copies to England to show how, while engaged in the field, he was attacked behind his back. The Governor immediately furnished the incensed soldier with copies of his despatches to Mr. Cardwell, a courtesy which, at a later date, the General declined to reciprocate, illogically averring that it was unadvisable to comply with the Governor's request at the time, and that there was nothing in the despatches of which the Governor was

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Tataraimaka block, the building of a barrack within the territory of Tawhiao, and other preludes to the invasion of Waikato. Mr. Fitzgerald was to become his Native Minister in August, 1865.

ignorant. The Governor had already said that he wished to see them, because Mr. Cardwell wrote that there was a discrepancy between the General's despatches to the War Office and those of the Governor to the Colonial Office. He informed the General that Her Majesty's Government must determine whether the General was justified in creating secretly wrong impressions, "and in now shrinking from giving me an opportunity of giving explanations regarding my proceedings (which I have been called on to furnish), by refusing to acquaint me with the statements you did not hesitate to make, but dare not produce" (10th June). The General replied that he cared not what construction his Excellency might be pleased to put upon his actions. Each blamed the other for unduly communicating, to third persons, confidences which should have been kept sacred.

At this time a very crippling blow was aimed at the position of the Colonial Government; for although Mr. Weld professed a self-reliant policy, he, like others, used Imperial troops. The Commissary-General, Jones, suggested that the presence of the Governor and two Ministers at Auckland made it convenient to settle the long open question of supplies to the Colonial Government as advances from the Imperial chest, which Mr. Jones thought might fairly come to an end in a few weeks, except in such special cases as might be, on precise application, approved by the General. The power of the colony to repay the advances seemed to Mr. Jones "very problematical." The General concurred with Mr. Jones, and (5th June) forwarded his letter to the Governor, proposing to cancel all existing authorities (for issues of pay and rations) on the 1st August. On the 9th June, Sir George Grey seriously presented the aspect of affairs to the General's consideration. "If you choose to cancel all the existing authorities . . . I cannot prevent you from taking such a course, and the colonial officers shall be instructed to afford you any information; but I think it my duty to state why I think it would be disadvantageous to the colony as well as to the Imperial Government that you should at the present time follow" such a course. Negotiations in progress should be speedily closed; the regiments to be ordered to England, and the occupation and maintenance of posts should be decided upon; and the extent to which the commissariat should assist in that maintenance

should be determined. On the 21st June, the General intimated that he would refer the commissariat question to the Secretary for War. As to Weraroa, he had frequently explained his opinions, and the commanding Royal Engineer "fully concurred with me, that a siege of the position is not advisable at this season of the year." The Governor told the Secretary of State that he believed no other commander in New Zealand had ever gone into winter quarters, and that it was pernicious to leave rebels undisturbed for months close to Wanganui.

General Cameron remained at Auckland, writing despatches to countervail the effect of those which Sir George Grey had sent to England. The reputation of a Governor who had earned distinction, might, he feared, overpower his representations, and on one occasion he specially sent a steamer to Australia to expedite the reading of a despatch in England. The cause of so costly an experiment was the publication, for the use of the Assembly, of the protest of the Ministry against the General's imputation that they were careless of the lives of British soldiers.<sup>1</sup> Despatches from Mr. Cardwell and from the War Office contemplated the sending away of five regiments from New Zealand at an early date. Mr. Cardwell wrote (26th April, 1865): "The Secretary of State for War will send no re-enforcements to General Cameron, but will repeat the instructions already given for the withdrawal of five regiments with as little delay as possible, consistently with the safe execution of my instructions to you. On your part you will confine your requirements for the assistance of General Cameron within the limits which I have prescribed." The Governor's position was oppressive. He was

<sup>1</sup> He reported the cause to Sir George Grey, upbraiding him at the same time for communicating the contents of private letters to the Ministers. The Governor replied that the accusations were so serious that they could not be slurred over. The letters containing them could hardly be called merely private, nor had the General treated them as such, for he had himself sent copies of them to the Secretary for War, without giving the Governor or his advisers an opportunity of commenting on them. The Governor had warned his advisers that they ought not to treat the letters as official unless made public by the General. When they were informed that the General had sent copies to England they published them without informing the Governor of their intention, but under the circumstances he thought them entitled to choose their mode of defence against the charges made against them

supposed to be responsible for the intention of campaigns, and the rebel stronghold stood, idly scanned by British troops, far outnumbering the garrison. Those troops, moreover, must soon depart. The General Assembly was to meet in July. How could the Governor meet it without shame? The General would shake the dust off his feet. He had tendered his resignation in February, and in June he received permission to return to England. He had power to delay his departure, but, looking at the relations between himself and the Governor, saw no advantage in remaining. This was, he said, the fault of the Governor and his advisers. The native garrison was weakened, and in the end of June there were divided counsels in Weraroa. Rangihwinui wrote to the Governor that a dispute between the military and the militia had impeded the surrender of the pah. The military authorities would settle no terms without consent of the General, who was in Auckland. Several chiefs carried the letter and gave explanations. Sir George Grey wrote to the General. He withdrew himself from the question of removing troops, in which the General left him no power, and begged the latter to act on his own discretion. He enclosed a ministerial minute urging the withdrawal of the troops, and complaining that the General's inaction had marred the campaign. But he did not content himself with writing. He determined to give the General a lesson in the art of war before he quitted the colony. The fiery Von Tempsky had, on the 24th June, tendered his resignation, because the army was not permitted to help him at Weraroa, in consequence of the interpretation put upon the General's orders. The Wanganui Maori contingent was indignant because restrained from attacking the pah.

At Wellington, on the 12th July, the Ministry formally announced that, on the meeting of the Assembly, they would resign. They had on the 11th, with equal formality, declared that they could not recommend an appropriation of £40 per head for Imperial forces in the colony. General Cameron's unfounded charges, and his inactivity, which marred the success of even Colonel Warre's proceedings at Taranaki, prompted the Ministry to abstain from recommending the appropriation for the troops. They based their resignation on the General's conduct. He influenced, if he did not guide, the Imperial



Government. He conveyed hostile criticisms and imputations, and when called on for explanation or information refused to give either. They gratefully acknowledged the constitutional support and efforts of the Governor; they did not doubt the approval of the Assembly; but such an irresponsible authority as that arrogated by the General made their resignations imperative. The Governor enclosed their minute to the Secretary of State, and feared that great political embarrassments would arise. Within a week Sir George Grey was in the field before the Weraroa pah. Already it was suspected, if not known, to be weakly garrisoned. The friendly chiefs had nearly procured a capitulation. Three hundred and eighty Maori allies were camped 2000 yards from it; 130 cavalry (called Bush Rangers), with Major Von Tempsky, were encamped 800 yards from it, and Major Rookes of the militia, under whom Von Tempsky served, was in the Perikamo pah, about 400 yards from Weraroa. Brigadier-General Waddy was with the Governor. Pehimana and Aperahama, chiefs from the pah, awaited his arrival on the 17th July. They admitted that Weraroa pah was built on English property, and were willing to put it in the hands of Hori Kingi, the Wanganui chief friendly to the English. They wished for time to remove the women and children. The Governor granted it. He asked if Hori Kingi would take possession. Hori Kingi had no confidence in Pai Marire fanatics, and declined. The Governor said he would do so, and the chief must accompany him. The rebel chiefs returned to Weraroa to make preparations to receive the Governor. A white flag was flying. The Governor, General Waddy, Major Gray, Captain Bulkeley, Colonel Trevor, and Mr. Parris the interpreter, rode towards it. They were met by Maoris, one of whom inquired whether time to remove women and children would be given. "Yes, that had been arranged." Were they to be punished for their rebellion? The Governor said all would be pardoned except murderers; and those who returned to their allegiance would be treated in all respects like the Queen's European subjects. The natives said all was satisfactory. Aperahama came out of the pah and requested the Governor and Hori Kingi to enter it. Hori Kingi rode to Sir George Grey's side, saying: "Oh Governor, do not let us go in. Ride up and touch

the fence with your hand, and let that satisfy you. Do not let us go in." Other natives begged him not to go in, saying that the people in Weraroa were "fanatics, given up to old customs." Nevertheless, the Governor, Hori Kingi, Hori Kerei, and Mr. Parris, rode on. At 30 yards' distance from the pah, the Hau Hau priest came out and told the natives not to allow the cavalcade to approach nearer. Hori Kingi's keen eyes detected that the guns were prepared in the pah. Chiefs of Weraroa, friendly to the Governor, stood between him and the pah, and begged him to desist. After a time he rode away. Pehimana and Aperahama had not been treacherous, however. Failing to prevail on the garrison to surrender the pah, the former immediately gave himself up. The latter surrendered on the following morning. On the 18th, the garrison made further pretences of surrender, vainly asking the Governor by letter to send away the soldiers.

The Hau Haus did not rely only on diplomacy. Topia Turoa, who bearded Sir George Grey in March, was on the war-track. Captain Brassey, commanding at Pipiriki, was assailed. Friendly natives warned the Governor, and no time was to be lost. On the 19th July, Grey asked General Waddy if his instructions from the General permitted him to invest Weraroa. That officer replied that he could not do so without orders from General Cameron. On the same day the Governor asked if General Waddy would under the circumstances without delay establish a post of 400 men near the camp of Major Von Tempsky, and thus furnish a moral support to the local forces and friendly natives; sending also a detachment of artillery to keep down the fire of the besieged while the local forces and natives worked their way up to the assault. The brave Brigadier consented, alleging as his excuse the time that might elapse if he were to wait for the General's orders from Auckland. The available force consisted of 473 men, viz. 25 Wanganui cavalry, 139 Forest and Bush Rangers, 109 native contingent, and 200 friendly Maoris. In round numbers, therefore, two-thirds of the force were Maoris. Though perched on a high point from which precipices or steep banks descended about 300 feet to the Waitotara river and the Koie where they joined their streams, Weraroa could be commanded by still higher ground on the

opposite or right bank of the Koie, where there was good cover for riflemen. The pah was placed rearwards to the Koie and Waitotara. Its front was strongly fortified, and palisaded rifle-pits seemed to guarantee the darling object of Maori warriors,—the certainty of inflicting loss on their enemy before quitting, if needful, their stronghold. The valleys of the Waitotara and Koie were exposed to fire from the pah, and no danger was apprehended in the rear. A pathway led across the Koie stream, and on the Karaka ridge on the other side was a redoubt built by the Maoris to cover retreat from Weraroa, and facilitate supplies and re-enforcements across the Koie valley, about 500 yards wide. Hori Kerei, to whose father the Karaka range had belonged, explained on the ground the peculiarities of the surrounding forest. At two o'clock in the morning on the 20th July the plan of attack was fixed upon. The Maori allies and native contingent officers unanimously agreed that it was sound. The Karaka height was to be occupied by surprise, a circuitous route to it being taken through dense forest; and thus Weraroa was to be rendered untenable. Early on the 20th, Colonel Trevor arrived with 100 men of the 14th, and encamped on the left front of the pah. At ten o'clock Captain Noblett brought 100 of the 18th, and pitched his tents near those of the 14th. At half-past twelve the colonial and native forces were paraded; and then, by a road unseen from the pah, moved off for the Karaka heights. The weather was cold and rainy. Major Von Tempsky was ill, and Major Rookes took command of the expedition to Karaka. The brave and intelligent Rangihwinui accompanied him. In front of the pah was Sir George Grey with a few friendly natives, and the moral support of 200 British soldiers, aided by the empty tents which the defenders of the pah believed to be occupied. Till daybreak on the 21st the success of the Karaka expedition was unknown in front of Weraroa. Then some dropping shots announced that Major Rookes and Rangihwinui had done their work. Cheers were heard from the height, and confusion was in Weraroa. After a march of six hours Major Rookes had gained his position. At half-past four he surprised a native village and outpost, capturing 50 prisoners with their arms, and two kegs of ammunition. They comprised a re-enforcement on the way to join the rebels

in Weraroa. They incommoded him, and he was busy entrenching his position; he could not send them away without dangerously weakening his force. Captain Ross arrived with a letter from him at ten o'clock on the 21st. Colonel Trevor allowed some of the 14th Regiment to guard the prisoners in conjunction with 50 Maoris whom Sir George Grey told Major Rookes to send as escort. To increase the force in front of the pah, the Governor earnestly requested the Colonel in command at Patea to send 200 men immediately to place themselves under command of General Waddy, who was expected on the ground. Captain Brassey ~~was~~ in danger at Pipiriki, and the Maori allies were to help him after the capture of Weraroa. Sir George Grey congratulated Major Rookes. . . . "We shall make a sham attack on Weraroa from this side to-morrow morning at daylight, and seize a position ourselves. . . . P.S.—I rely on your having picked shots to give them no peace by day, and ambuscades well planted every night, so that nothing can get in or out in safety."

To Mr. Cardwell the Governor wrote that his strategic arrangements were defective in one point of view. The force in front was too small; but "the critical position of Captain Brassey and his small force at Pipiriki made it necessary to risk a great deal, and I think that no risk greater than what ought under such circumstances to have been run was incurred." Major Nixon reported from Wanganui that trustworthy information had arrived that 400 Hau Haus were preparing to attack Captain Brassey. Maori allies wrote to the chiefs before Weraroa: "Friends, the enemy have closed the way to Pipiriki by occupying Te Puha. They have drawn near to the Pakeha; be quick hither." Before Weraroa the friendly chiefs viewed with alarm the smallness of the force. Blood was thicker than water, and it was felt, though not expressed, that on an emergency Colonel Trevor would convert a moral into a physical force. But the number of the garrison was unknown. Rumours described them variously, from 200 to 600 in number. To remove the just apprehensions of the chiefs, Colonel Trevor ordered up 50 men from Nukumarū, and a like number from Waitotara. Though the 200 men expected from Wanganui had not arrived, and the 200 men at Patea had only just been asked for, the

siege was to be carried on. Colonel Trevor was ready to make his sham attack in the morning. Before sunset the best marksmen in Major Rookes' force dropped rifle-shots into the pah, using sights for a range of 600 yards. The rebels were seen to be in confusion. The Karaka heights commanded their position. They knew not how few were those permitted to fight against them; and their opponents knew not how few formed the garrison. They fled down cliffs and precipices. The Maori allies with Major Rookes perceived that Weraroa was evacuated. At daylight it was entered and handed over to Colonel Trevor by the few Maoris left within it. Far less time was spent in taking than General Cameron had consumed in writing about it, and not a man had been lost. The English knight to whom an Irish garrison surrendered when they saw him bring from the forest a charred log on wheels, which in the Plantagenet days they mistook for a cannon, had been successfully imitated by Sir George Grey, though if the garrison had been as numerous as when General Cameron declined to attack the pah, the result might have been different. The heavy guns ordered from Waitotara were countermanded. The officer at Patea was requested to keep back the 200 troops asked for on the day before. At half-past two in the morning of the 22nd the Governor wrote to Captain Brassey: "I have been in the greatest concern at your position, but have felt the utmost reliance on your courage and prudence, and on the bravery of your men. In the mean time I have risked everything here, to be able at the earliest moment to help you. . . . We go into the pah at daylight, and at the same hour a large force starts to rescue you. A messenger will take this to you who will manage to get through the enemy. Hold out bravely; within a few hours after you get this you will have help."

The 'Gundagai' steamer and canoes carried the relieving forces. Amongst them were the chiefs Hori Kingi and Te Kepa Rangihwinui. After the expedition had started a letter was received from Captain Brassey. It was dated 21st July, and announced that he had been attacked on the 19th, but had beaten off the enemy. Ensign Cleary and Sergeant Gourd only were wounded. There were 20 or more casualties amongst the enemy. The Hau Haus were guarding the way to Wanganui. Captain Brassey had

promised the Maori letter-carrier £15 for taking his letter safely to Major Rookes. As some of the rebels could read English the gallant captain added this postscript: "*Sumus sine rebus belli satis.*" "My cry, if I could make it heard, would be—the M ! M ! !"<sup>1</sup> On the 1st August relief reached him. Mete Kingi, Hori Kingi, and others congratulated Captain Brassey in speeches which were published, as was also Mete Kingi's narrative addressed to the Governor. The thanks of the Governor for the conduct of all officers and men engaged in the operations were given in the warmest language. He was not doomed to win applause from his own superiors. The War Office after long incubation hatched new Orders framed to prevent a Governor from interfering, successfully or otherwise, with conduct of a campaign.<sup>1</sup>

The Ministry on reading Mr. Cardwell's despatch of 26th April, gathering from it that "the discretionary powers recently vested in the General had reverted to the Governor," and being informed that the General's resignation had been accepted, withdrew their own. The Governor told the Assembly that their resolutions in favour of a withdrawal of the troops had been forwarded, and that recent despatches led to an inference that such a policy would be adopted. Pending the decision of the Home Government he had determined to avail himself of the services of the troops in establishing order between Taranaki and Wanganui. "Contrary to my anticipation, however, considerable delay took place, which involved consequences fraught with disaster, and which led to fresh outbreaks in other parts of

<sup>1</sup> Mr. Weld, in July, 1865, wrote a letter to Lord Alfred Churchill, thanking him for advocacy in Parliament of the policy of the New Zealand Government. It was sent to the 'Times.' It spoke of the intention of the Ministry to resign, because "all is upset by the political action of Lieutenant-General Sir D. Cameron. He has been writing secretly to the Government, making accusations against the Government and the Ministry, and will not give the particulars or the grounds of his attacks, so that for months we have been condemned unheard. . . The Governor has been very badly treated, and it will be of course impossible for him to remain in office unless General Cameron is at once recalled. . . I can hardly believe that 600, or at most 800, half-armed fanatics could battle for months, in a comparatively open country, with upwards of 6000 well-armed Englishmen unless the General was acting upon political motives." Though it was not written for publication, it was not to be wondered at that Lord Churchill published the letter.

the colony. I therefore ordered the colonial forces to advance against the Weraroa pah—a movement which has resulted in its capture. The thanks of the colony are due to Major Rookes commanding, and to the officers and men of Her Majesty's European and native colonial forces engaged in this important operation. I also recognize the readiness with which Brigadier-General Waddy, C.B., Colonel Trevor, and the officers and men under their command, afforded me all the assistance that was in their power, though precluded by their orders from taking any active part in the operation against the enemy's stronghold."<sup>1</sup> To the zeal, energy, and ability of Colonel Warre commanding the Imperial and colonial forces at Taranaki, and to the devoted courage of the loyal natives, the Governor paid high tribute. Confident in the capacity of the loyal residents he would issue orders for the return of five regiments to England. He was about to invite certain chiefs to Wellington, and to lay before the Assembly a Bill enabling him to appoint a commission of chiefs to advise upon the best means of obtaining parliamentary representation of the Maoris. (It will be remembered that Mr. Fitzgerald's proposition on the subject was only rejected by a majority of three votes by the Assembly in 1862.) The manner in which the credit of the colony was impaired by the provincial loans in the English market, with some minor matters, was submitted to the serious consideration of the Assembly. Ten new members, nearly all from the Middle Island, had been called to the Council. A Representative having made light of the capture of the Weraroa, attributing it in some degree to General Cameron's previous engagements in the neighbourhood, Mr. J. C. Richmond, the Colonial Secretary, retorted that the General had gone to Weraroa and had seen no way to take it. "Sir George Grey had at once found its weak point, acted on the discovery, and taken Weraroa without bloodshed. General Cameron had come as one of England's promising Generals. He would go back reduced to the reputation of being good enough to lead a regiment which would go anywhere without

<sup>1</sup> On seeing this paragraph General Cameron wrote from Auckland: "I positively deny having given any orders to Brigadier-General Waddy, Colonel Trevor, or any other officer which prevented them from taking any active part."



leading, whilst Sir George Grey would retrieve a reputation that seemed waning at home, and add to his former character that of a prompt and able General." Cordial addresses in reply to the speech were carried in both Houses; by the representatives without a division on the 1st,—in the Council, by 20 votes against 2, on the 3rd of August. Mr. Stafford assailed the Government for making roads at the point of the bayonet. Mr. Weld retorted that the House in agreeing to the Roads Bill was pledged to enforce the making of them even at the bayonet's point. He qualified the imperiousness of his tone by urging that the representation of Maoris in Parliament should be accorded.

The General was not tardy in the new campaign allotted to him. His occupation in New Zealand was gone. He hastened to England to stir the War Office against the audacity of a civil officer in taking command in the field; a dangerous innovation, which required to be nipped in the bud. Sir George Grey reported that Colonel Warre marching southwards from Taranaki had met Colonel Weare marching northwards from Waingongoro, and trusted that these events would convince the Secretary of State that he had rightly declined to ask for more troops when importuned by the General, and that if Colonel Warre had been permitted, as requested by Sir G. Grey, to advance from Taranaki when the General marched from Wanganui, the war would have been ended, and vast colonial and Imperial expenditure saved. General Cameron in his last letter about the campaign (26th July), warned the Governor that he would address the Secretary for War on the subversion of discipline, and consequent confusion and disorder, countenanced if not encouraged by the Governor. In unhappy ignorance that Weraroa had already fallen, he defended his indolence about its capture. "All that was to be done was to make the necessary preparations, so that no time might be lost as soon as the weather admitted of the operation being undertaken. In a despatch of the 7th instant, I informed the Secretary for War that I intended to undertake the attack as soon as the weather allowed." More than common chagrin must have possessed the writer of such a despatch when in a few days he learned that the task which he looked upon as more than could "be done"

had been achieved without loss. If there was in the War Office a spark *spretæ injuriæ auctoritatis*, he would set a torch to it without delay. In his fury he would include the successful soldier, Colonel Warre. "Privately or semi-officially" he asked certain questions which Colonel Warre answered frankly. The General rejoined (26th August): "It was not without good reason that I asked you the questions, and I fully expected to find what you admit—that you have been in the constant habit of giving your opinions to the Governor and Colonial Minister freely on military subjects of every kind without my knowledge. I can hardly believe that your conduct will be approved by the authorities at home." He left without giving Colonel Warre opportunity to explain. That officer, in self-defence, informed the Governor that he had exceeded his object when writing to the General, who had arrived at a conclusion contrary to the one intended to be conveyed. "The admissions in my letter to Sir Duncan Cameron were confined to the expression of my opinion *privately* on all subjects connected with the native insurrection, and in replying to questions verbally on subjects that your Excellency or Ministers, while resident at Taranaki, may have put to me. I appeal to your Excellency whether I ever presumed to offer such opinions as 'advice,' or whether I ever originated or suggested any military operations opposed to the known wishes or views of the late Lieutenant-General Commanding." Sir George Grey sent the appeal to England, with his own assurance that as far as he was concerned the statement of Sir Duncan Cameron was wholly untrue, and he trusted inquiry would be made. It was "but a perilous shot out of an elder-gun that a poor and private displeasure could do" against a General still highly commended and recently knighted in England, and who as he chewed the cud of indignation on the way to Australia, so far lost temper as to write an angry letter to Sir George Grey and insert it in a Melbourne newspaper before it could reach him to whom it was addressed. He charged Sir George Grey with having told General Waddy at Wanganui that had the latter arrived before Weraroa, the Governor would have left the command in his hands. Sir George Grey admitted the charge. "I knew him to be a good and gallant soldier, anxious to do his duty; and I believed if I

only got him into the fray, he would have fought his way well through it, whatever his orders were. The moment therefore I saw him thoroughly engaged in the affair, I should either have left the place, or have served on his staff, if he would have allowed me to do so." The retort, by comparing Waddy to Cameron, might be effective; but risk to Imperial interests if Governors should in other places involve the Queen's troops in war without the sanction of their commanding officer was too obvious to allow it to be hoped that in this instance success would be honoured. Sir George Grey had done much, but—he had not conformed to military etiquette.

The judgment of the War Office under Earl de Grey in such a case could hardly be doubted, even by those who could not foretell the remarkable treaty of Washington in 1871, by which, under the presidency of the same nobleman, it was determined to scatter international rights and duties to the winds, and coin new terms under which England should admit having done wrong where no wrong was done, and pay a penalty so large that its receivers were unable to apply it in terms of the bond. The decision, or rather indecision, of the War Office, may be told in few words. Lord de Grey thought that Sir Duncan Cameron "had not assumed to himself any latitude inconsistent with the high position he filled" in corresponding with the War Office about the affairs of New Zealand. He admitted that Sir Duncan Cameron ought to have furnished the Governor with copies of despatches "other than those relating to discipline and military routine." Instead of reprimanding the General for breach of propriety, of a distinct rule of the colonial service, and of a Horse Guards' circular letter (dated February, 1859), he said he would draw the General's attention to the Horse Guards' letter with a view to its being conformed to in future. Sir Duncan Cameron was, it appeared, "not acquainted with the contents of the Horse Guards' letter." Never was there a grosser instance of a man being less wise than he seemed. Sir Duncan Cameron had left, and was known to have left, New Zealand nearly two months before this injunction was issued. For the General to disobey orders was venial. But Lord de Grey thought Sir George Grey inexcusable for showing to his Ministers the private letters in which they were traduced.

Lord de Grey did not consider the fact that the calumniatory letters had been transmitted to himself justified their being shown to the Ministers, or published by them with their defence, and yet he himself had laid some of them before Parliament without giving Sir George Grey an opportunity of explanation. Mr. Cardwell (25th September), in forwarding Lord de Grey's inane despatch, partially modified its offensiveness to the Governor by saying that it was to be regretted that General Cameron had not observed the regulations. "One of the mischievous consequences of this departure from the rules of the service on his part, probably has been that you, not unnaturally, have suspected that reports had been made unfavourable to yourself and your Ministers to a greater extent than you will find to have been the case." Mr. Cardwell, assuming that General Cameron's version was correct, pointed out that when the confiscation measures were objected to by the General, the Governor ought to have referred the matter to England, with the General's comments, so that the Secretary or Secretaries of State might decide the matter. It was perhaps impossible to do otherwise than assume the truth of General Cameron's statement that the proclamation of 17th September, 1864, confiscated so much land as to render necessary an augmentation of troops in New Zealand, and was therefore unwise. But by the return mail Sir George Grey forwarded a minute written by the General on the 16th December, 1864, upon a map showing the confiscated lands. The minute declared to the New Zealand Ministry what in the General's opinion "might fairly be considered as conquered territory." Of two lines, denoted by him, the one selected in the proclamation of the 17th December was that which included least land. How then, asked Sir George Grey, could he suppose that the General objected to the proclamation, and why was he left in ignorance that on the 7th January, 1865, the General had written to the Secretary for War to complain of the terms of the proclamation, which were as much his own measures as the Governor's? The reader need not be wearied by further beating out of the question. The Governor wrote despatch after despatch, which Mr. Cardwell curtly acknowledged and referred to the War Office. Lord de Grey received an explanation from General Cameron, but "did

not think it necessary to send a copy" to Mr. Cardwell, considering "that the time had arrived for putting an end to the painful dispute." In vain did Sir George Grey appeal for vindication of his character. Lord de Grey's stolidity was more impregnable than the Weraroa pah. When the irate Governor so far officially forgot himself as to state in terms that the General's accusations were "malicious and unfounded," Cameron was as safe behind the plumbean De Grey as the Hau Haus had been from him behind the Weraroa palisade.

When the Marquis of Hartington (who had been Under-Secretary) became Secretary for War, on Lord de Grey's translation to the India Board, it was hardly to be expected that he would reverse the injustice of his late superior. Mr. Cardwell announced that the new Secretary agreed with the old one.

The skill and gallantry displayed by the colonial forces and friendly natives at the capture of the Weraroa pah were hailed with satisfaction by Mr. Cardwell. As to his personal share the Governor was informed that his assumption of so large a share in the direction of military operations, in presence of the regular forces and of their officers, had given rise to questions on which he would be subsequently addressed.

The proverb that "nothing succeeds like success," was falsified in Sir George Grey's case. What Lord Palmerston would have done if he had lived, cannot be told. He died in October, 1865. His weaker successor, Earl Russell, either did not try, or failed, to do justice. Sir George Grey was never thanked, although that he had sinned against no defined rule was established by the fact that new Army Regulations were found necessary to prevent a recurrence of the catastrophe which Sir Duncan Cameron had sustained. It was laid down that a Governor, though Captain-General and Commander-in-Chief, "is not therefore entitled to take the immediate direction of any military operations." Sir George Grey told Mr. Cardwell that he had expected to incur animosity by proving that success could be obtained in the field without the sacrifices sometimes made in New Zealand. He would bear the penalty cheerfully. He knew he had done his duty, and that knowledge would sustain him under any attacks, or under any censures or inconveniences

to which Her Majesty's Government might from want of information subject him.<sup>1</sup>

Some changes were made in the Ministry during the session of 1865. Mr. Mantell retired from the office of Native Minister in July, and early in August Mr. J. E. Fitzgerald, "the orator of New Zealand," accepted it. He was notable for his desire to accord representation in Parliament to Maoris, and in a few weeks the Governor formally promulgated his readiness to confer with the Maori chiefs as to the manner in which that representation should be conferred. It may be recollected that within a few months of Mr. Fitzgerald's acceptance of office, Sir George Grey had described him as understanding neither Englishmen nor barbarous men.

On the 2nd September, 1865, two important proclamations were made. By one, "with the advice and consent of the Executive Council of the colony," the Governor confiscated large specified blocks of land belonging to the Ngatiawa and Ngatiruanui tribes. The lust of the Taranaki settlers was gratified at last. The garden of New Zealand was laid bare to their ravages, from the White Cliffs to Waitotara. The Governor in Council, "satisfied that certain native tribes or sections of tribes . . . having landed properties . . . have been engaged in rebellion . . . doth hereby set apart as eligible sites for settlement for colonization (lands described), and doth declare . . . that no land of any loyal inhabitant within the said districts, whether held by native custom or Crown grant, will be taken except so much as may be absolutely necessary for the security of the country, compensation being given for all land so taken; and further, that all rebel inhabitants of the said districts who come in within a reasonable time and make submission to the Queen will receive a sufficient quantity of land within the said district under grant from the Crown." The other proclamation

<sup>1</sup> One passage in a despatch of 11th December, 1865, was ill-adapted to win favourable consideration for the Governor. "I assert confidently that Sir Duncan Cameron in making such gross accusations against me privately to Lord de Grey, one of Her Majesty's principal Secretaries of State, and his Lordship in privately receiving them, are the wrong-doers, and not myself in treating these accusations as publicly made, and in meeting them as having been so made." The functionary who thus wrote of one Minister to another courted the spurns of which he complained.

was in the name of the Governor, and did not refer to advice of the Ministry. He declared that "the war which commenced at Oakura was at an end:" that sufficient punishment had been inflicted upon the tribes who had taken arms, their war-parties had "been beaten, their strongholds captured, and so much of their lands confiscated as was thought necessary to deter them from again appealing to arms." None would be prosecuted for past offences except those concerned in certain barbarous murders which were enumerated as having occurred between March, 1860, and July, 1865, when Mr. Fulloon was killed at Whakatane. Eight occasions were specified, and some of them were not solitary murders. Te Pehi was specially excepted from pardon because "having taken the oath of allegiance . . . he violated (it) . . . and treacherously attacked the Queen's troops at Pipiriki. . . . Out of the lands which have been confiscated at the Waikato, and at Taranaki, and Ngatiruanui, the Governor will at once restore considerable quantities to those of the natives who wish to settle down upon their lands, to hold them upon Crown grants, and to live under the protection of the law. For this purpose Commissioners will be sent forthwith into the Waikato, and the country about Taranaki, and between that place and Wanganui, who will put the natives who may desire it upon lands at once, and will mark the boundaries of the blocks which they are to occupy. Those who do not come in at once to claim the benefit of this arrangement must expect to be excluded. The Governor will take no more lands on account of the present war. As regards the prisoners now in custody, the Governor will hold them until it shall be seen whether those who have been in arms return to peace. If they do so the prisoners will be set at liberty. . . . The Governor now calls upon all the chiefs and tribes to assist him in putting a stop to all acts of violence for the future. . . . The Governor is about to call a meeting of all the great chiefs to consult with his Government as to the best means whereby the Maori people may be represented in the General Assembly, so that they may henceforth help to make the laws which they are called upon to obey. . . . Her Majesty the Queen desires that equal laws and equal rights and liberties may be enjoyed by all her subjects in this island, and to that end the Governor in the



name of the Queen publishes this proclamation." It is necessary to note the distinct declarations that the Governor would respect the possessions of the loyal; would "at once restore" lands to the Maoris; and that Commissioners would "be sent forthwith" to put the Maoris in possession and "to mark the boundaries." It will be seen hereafter that these promises were left unfulfilled by Ministry after Ministry, and that the turmoil at the Waimate Plains caused by glaring violation of these promises extorted a Royal Commission in 1880, composed of Fox and Dillon Bell, who were constrained to admit that not only these but repeated promises were broken, and even solemn awards of Courts in favour of Maoris were never carried out. The murder of Mr. Fulloon, specially alluded to in the Governor's proclamation of peace, requires consideration in order that the condition of New Zealand in 1865 may be understood.

On the capture of Weraroa regular war was deemed at an end, and the savage murders by Hau Haus were not allowed to prevent the proclamation of peace. They indeed, like missiles hurled in the darkness, smote the colonists and made them shudder. Plotted in secrecy, they were executed with hasty and cunning ferocity. On the 22nd July, emboldened by the spread of their faith and their impunity after Volkner's death, the Hau Haus murdered Mr. Fulloon at Whakatane, together with the captain and all but two persons on board the cutter 'Kate,' which took them thither. They burned the cutter. Mr. Fulloon, a half-caste Maori interpreter, had been allowed by the Defence Minister to call at Whakatane, at his own request, for the purpose of checking the spread of disaffection. In September, in disregard of the old Maori sense of honour, Kereti Te Ahura, a Maori policeman, while engaged in carrying the Governor's peace proclamation, was mortally wounded and robbed near Weraroa by an ambushed party, but was rescued in time to enable him to make a dying deposition identifying some of his murderers. The Governor offered a reward of £1000 for bringing any of the murderers to justice. Mr. Broughton, an interpreter, in obeying Colonel Waddy's orders, was decoyed to an interview on the west coast and murdered. These and other atrocities Mr. Weld's Ministry saw partially punished by the capture of Opotiki in September.

The fall of the Weraroa pah permitted the withdrawal from the west coast of an expeditionary force of 500 men, composed of military settlers, of Bush Rangers, of the native contingent, and Wanganui Yeomanry Cavalry. H.M.S. 'Brisk' aided the landing of the forces in the east, in September, 1865. The native contingent, spread in skirmishing order on reaching the shore, drove the enemy before them, captured a pah, and occupied Opotiki. Captain Hope, of the 'Brisk,' wrote: "They were the admiration of all of us. We could see it all from the ship, and it was beautiful." Special thanks were conveyed to Captain Hope by the New Zealand Government. Major. Brassey was in command of the land expedition, and although a want of concord with his subordinates militated against his success, the Pua pah fell into his hands in September, and the enthusiasm of the Whakatohea tribe for the Hau Haus waned sensibly. Some of them voluntarily surrendered with their arms in October. Kereopa was surprised and narrowly escaped capture in the same month. A few prisoners were taken. The Arawa tribe, meanwhile, displayed signal energy. In September, 1863, they had incurred tribal animosity by preventing the Ngatiporou, Ngatiawa, and others from passing through their territory on the way to Waikato. In pursuing the murderers of Volkner and in resisting enemies they neglected their cultivations, and suffered in killed and wounded. When Fulloon was murdered, Mr. Mair (Mr. Meade's companion at Lake Taupo) started from Lake Tarawera with 200 Arawas, while 150 others proceeded down the coast from Maketu. On the 16th August, the two bands attacked different pahas without success, having no artillery. They then effected a junction, and harassed the Hau Haus, but were unable to attack the pahas, and waited for assistance from the Opotiki colonial force. Being disappointed, they detached an expedition which seized all the canoes at Whakatane, where Fulloon had been murdered. Taking some canoes by the river, and dragging some across a belt of land to a lake in the enemy's rear, they stopped his supplies. The Hau Haus evacuated their pahas on the 10th October, retreating in canoes to the Teko pah on the Rangitaiki river. On the 17th October, the Arawas, still accompanied by Mr. Mair, by Hemipo the guide of Mr. Meade, and by his friend Poihipi Tukeraingi, invested Teko. On one

side was the rapid river, on three other sides smooth declivities. Three lines of palisading, with flanking angles, three rows of rifle-pits and breastworks, contained a fort 90 yards long and 45 yards wide, within which each hut was fortified. A covered way communicated with a landing-place on the river. Three saps were commenced, and under shelter of undulating ground had, in spite of heavy musketry fire, been carried so far that in two days the Hau Haus asked for a truce to arrange terms of capitulation. Firing was suspended for 24 hours, but the sap was proceeded with. Hemipo, whose eloquence aided Mr. Meade at Tataroa, now applied it to save his father Ngaperi in Teko, whom he persuaded to come out of the garrison with more than a score of friends. None of them being implicated in murders, Mr. Mair allowed them to join the loyal Maoris. When the sap was finished close to an angle, and the covered way cut off, the Hau Haus were summoned to surrender. If the place were taken by assault they were promised that no quarter should be given. They laid down their arms. As they marched out, the victorious Arawas leaped from their trenches with a yell, and under the guidance of old Poihipi Tukeraingi danced with fury the maddening war-dance of triumph while the captives stood dejected, and the ground around them shook with the tramp of their conquerors. Amongst the captives were nearly 30 suspected murderers, of whom Mair took possession on behalf of the Government. The remainder were held by the Arawa as prisoners of war. Mair handed his prisoners to the force under Major Brassey, and a court-martial was held early in November upon them. The evidence of two half-caste lads was deemed sufficient to convict many of them of complicity in the murder of Fulloon; but when the sentences were submitted to the Government it was found that the proceedings had been irregular. The offenders were nevertheless indicted again with others before a criminal court. Thirty-five were convicted of murdering or of being accessories to the murders of Volkner and Fulloon. Several were executed; others were sentenced to hard labour. Some were pardoned in after years. The men from Wanganui after these exploits returned to the west coast<sup>1</sup> to assist

<sup>1</sup> A more detailed account of the expedition may be found in 'Reminiscences of the War in New Zealand.' (T. W. Gudgeon.) London: 1879.

General Chute. The Governor reported (5th December, 1865): "Our native forces have arrested 17 natives out of the 23 who are believed to have taken a part in the murder of Mr. Fulloon."

There were other friendly Maoris besides the Arawa on the east, to whose doings it may be well to refer at this time. Ropata Wahawaha the Ngatiporou chief and Mokena Kohere distinguished themselves, though in so doing they opposed men of their tribes. Although Patara rebuked his brother-prophet, Kereopa, for the murder of Volkner, and declared that his mission was merely religious, he was active in inculcating Hau Hau doctrine. From Opotiki he went to Poverty Bay, where he seems to have counteracted Kereopa sufficiently to save some European lives, and thence he travelled through the Rangowhakaata and Ngatiporou territories towards the East Cape, making large numbers of proselytes. Ropata Wahawaha, Mokena Kohere, and Henare Potae, resisted the infection, and applied to Donald McLean for fire-arms to enable them to defend themselves, and contend in the field against the fanatics. McLean consented. As early as June, 1865, Ropata, with inferior forces, encountered his misguided countrymen, and lost some men, inflicting losses in return. By a brilliantly-executed stratagem of a nature not unknown in ancient Maori warfare he established his reputation. He placed an ambuscade in a creek, and made his army feign a retreat so rapid as to look like

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He complains of the mutinous spirit amongst the Maoris, but excepts from censure Major Kepa, "probably the best Maori officer in New Zealand," and Lieutenant Wirihana. He tells a singular tale of daring shown by Winiata. During the firing on the Pua pah, Winiata "suddenly rushed to the pah, and regardless of the fire of both friend and foe placed his hand on the palisading, shouting that the pah was his." That night the enemy pulled down some of their palisading under pretence of surrendering, and rushed out, firing a volley to disconcert the besiegers. In the morning, when the "native contingent were sent forward to attack," the pah was found abandoned to Winiata and his comrades. Another instance of Maori character is given by Mr. Gudgeon. Amongst the Wanganui men was a prophet Pitau, who, when the expedition started, prophesied: "You will succeed in all things, O Wanganui!—only one man will die, and he will be Pitau." In the skirmishes Pitau risked his life as if desirous to prove the truth of his prediction. On leaving Opotiki a boat was swamped by the surf, and Pitau was drowned, while all his countrymen escaped by swimming. Mr. Gudgeon thought that Pitau preferred death to loss of "mana" as a prophet, and purposely sunk in the sea.

flight. At the creek many of the fliers adroitly strengthened the ambuscade, and several of the pursuers fell, while the startled remainder fled in confusion. It was believed that unless McLean had supplied the needed fire-arms Ropata and his friends would have been murdered, or compelled to adhere to the new tenets which the majority of the tribe had embraced. At McLean's request, the Weld Government sent a force of Europeans to co-operate; and in August, 1865, several pāhs were taken, and many Hau Haus were slain. Learning from Henare Potae that the foe had mustered in force at Pukepapa, near Tokomaru, Ropata marched rapidly thither with 100 men, and captured the pāh. Some prisoners were taken, and were spared; but a local historian thus records the Maori rigour shown to others: "Among the prisoners were 11 of the Aowera, Ropata's own tribe, and he gave them a lesson in paternal rule that other chiefs might follow with benefit to their tribes." Calling them out, and saying that they were to die, he added, "'I do not kill you because you have fought against me, but because I told you not to join the Hau Haus, and you disobeyed.' So saying, he shot them one by one with his revolver. This affair well finished, the two chiefs advanced upon another Hau Hau position."<sup>1</sup> This was in August. At Pukemaire, in September, the Hau Haus were found to have fortified themselves on a hill. Two well-constructed pāhs were connected by a covered way. Five hundred occupants were in them when Captains Biggs and Fraser with Ropata approached the position in cold and stormy weather. A sap was driven near the works, and a Maori, Tapeka, threw a strong rope (with a bar attached) over the palisading. A Hau Hau cut the rope. Another Maori, Watene, again threw the rope, by means of which Ropata hoped to make a breach by pulling down the palisading. A Hau Hau rushed forward to cut the rope again, but the prompt Watene shot him, and before the dangerous service could be performed by another, a considerable width of palisading was torn down, and the capture of the pāh seemed certain, the outworks at one point being in the hands of the assailants. But two Europeans were killed

<sup>1</sup> 'Reminiscences of the War in New Zealand,' by Lieutenant and Quarter-master T. W. Gudgeon, Colonial Forces, New Zealand. London: 1879.

and two wounded; while five of Ropata's men were wounded, and Fraser (become a Major) called off the forces. The weather was bitterly cold. One man died from exhaustion on the road; and Ropata, who had entered the breach among the first, was so numbed as to be unable to put a percussion-cap on his gun to shoot an enemy who fired at him. Fraser reported that the "rain came down in torrents." The Maori ardour "was damped," and "our ammunition ran short, the baggage not having come up as ordered, and I was obliged to withdraw my force about 3 p.m." <sup>1</sup> The retirement from Pukemaire was not caused by any consideration for the lives of the defenders. On a previous occasion (2nd August), Major Fraser having captured a pah close to Waiapu, by a design propounded by Mokena Kohere, wrote: "The bayonet and rifle soon did their work, and the pah was ours. The enemy asked for no mercy, and evidently expected none. The killed in the pah amounted to 22. We took seven women prisoners." On this occasion the Hau Hau losses (in a few days) were reported as 87 killed, 33 wounded, and 47 prisoners, of whom 42 were wounded. Ten Europeans were wounded; of the Maori allies 15 were killed and 14 wounded. Besides Mokena Kohere, the chiefs Kopu and Ihaka Whanga (who had received the thanks of the colonists by resisting to their teeth the Hau Hau missionaries) took part in the action. Fraser wrote: "The chief Mokena has given us every assistance in his power, and has uniformly shown us great kindness."

Before the assault on Pukemaire could be renewed the enemy retreated towards Hungahungataroa near Kawakawa. Pukemaire was destroyed by the colonial forces. Biggs, with about 30 volunteers of his own corps and military settlers, and 100 Maoris under Ropata, followed the foe through the mountain forest. Fraser, with 60 Europeans, and the same number of Maoris under Mokena, journeyed by the coast, intending to effect a junction with Biggs. Before he could reach the rebel haunt he heard from a Maori woman that Biggs and Ropata had invested it, and that the Ngatiporou Hau Haus would probably

<sup>1</sup> Despatch, 'New Zealand Gazette,' 1865. Lieutenant Gudgeon does not record Fraser's published reasons, but says that when success seemed assured, "Major Fraser suddenly ordered the whole force to return to Waiapu, and the chance was lost" (p. 86).

surrender if their lives were assured. Fraser sent an order on the subject to Biggs. Meanwhile Ropata with the other branch of the forces led the advance-guard, crossing and recrossing the stream in a gorge which led to the rebel stronghold. On nearing it Ropata's band, composed chiefly of his own trusty blood relations, found and shot an enemy in a plantation. Biggs and Ropata then reconnoitred the position. Perched on a hill with two precipitous sides the hunted Hau Haus seemed prepared to sell life dearly. Firing was commenced in the usual manner. It was determined that, while the main body occupied attention in front, Ropata and Biggs with chosen followers should scale the cliff in the rear. The unencumbered Maoris rapidly performed their part,<sup>1</sup> while the Europeans in impeding costume toiled behind, although Cornet Tuke led them gallantly. A point was reached from which a plunging fire was poured upon the besieged as they faced their foes in the front. A Hau Hau in a tree was fired at by Ropata's order, and he shouted, "Do not fire, lest you hit me." Ropata commanded him to come down. He was recognized as the powerful Pita Tamaturi. Biggs came up as Ropata seemed about to shoot him, and asked who he was. Ropata answered, "The man who has brought all this trouble on Ngatiporou, Pita Tamaturi, who brought the Hau Hau religion amongst us." Biggs shot the man. The place was no longer tenable, and in compliance with the message from Fraser, received at this juncture, Biggs offered safety to "all who were willing to give themselves and their arms up. After about an hour's negotiating the Ngatiporou in the pah consented to do so."<sup>2</sup> Ropata's influence persuaded them. They strove to hoist a white flag in token of submission, while their savage and desperate Taranaki comrades struggled to prevent them. Ropata called on his misguided Ngatiporou fellow-tribesmen to come out, hapu by hapu, and they came, surrendering their arms. The Taranaki fanatics, unable to

<sup>1</sup> "The Maoris, bootless and trouserless, went up the cliff with tolerable ease, but the Pakehas, encumbered by civilization, laboured behind" (Lieutenant Gudgeon's 'Reminiscences'). Fraser reported that the cliff was most precipitous, and that "great credit was due to Cornet Tuke and the men who followed him."

<sup>2</sup> Despatch from Biggs, 11th October, 1865. 'New Zealand Government Gazette,' 1865, p. 346.



arrest the surrender, and apprehending that their own fate would be less tolerable than that of Ropata's people, scorned to associate longer with the recreants who had broken through their palisading for purposes of surrender. Defiantly, though few in number, they burst through their ramparts in another direction, and dashed down the precipitous cliff, three of them being shot in the act. Before they fled one old man among them said: "If we remain here longer our bodies will soon be the ashes of this pah."<sup>1</sup> Two of Ropata's men were killed in the siege, and 12 of the enemy. The captured Ngatiporou whom Ropata spared were 500 in number, three-fifths of them being women and children. Hungahungataroa was taken in October, and practically Hau Hauism was extinguished among the Ngatiporou. Ropata had established his reputation amongst his people as a general, dreadful in war, but not intemperate in peace. To the submissive he was forbearing, and they could dwell in safety. Leaving the runagates in scarceness, the colonial forces were diverted to Poverty Bay, whither Kereopa had proceeded after the murder of Volkner. The brave Bishop Williams was told by his Maori friends that they would seek out and expel the murderer or hand him over to the Government. He doubted their power to withstand unaided the prevailing tendency to the new cult, and in spite of their remonstrances accompanied them. They found Kereopa at a village where he had already seduced the inhabitants by his wiles, and where the Bishop's friends, before their pastor's eyes, yielded to the example of their countrymen. After friendly reception of them Kereopa offered his hand to the Bishop, who refused to take it. Being asked the reason, the Bishop replied: "Because I see blood dripping from your fingers." The murderer shrunk back "like a guilty thing:" but the Bishop

<sup>1</sup> Lieutenant Gudgeon (in his 'Reminiscences of the War in New Zealand') says of this man: "He was right in his judgment, for Biggs and Ropata fully intended to sacrifice them all; but they, now fully alive to the fact, dashed out of the pah as desperate men will do, and sliding over the precipitous cliff, most of them escaped" (p. 88). The above narrative is drawn from Mr. Gudgeon's book, corrected or amplified by the various reports of the officers concerned. If this assertion of Gudgeon be true, Biggs did not intend to comply with the order to extend clemency which he acknowledged (in his despatch) that he had received.

could not sway his own people, and returned sorrowfully home. It was reported that Kereopa afterwards suggested the murder of the Bishop, but the tribe would not allow such a crime to be committed. An old chief, Wi Haronga (who had been a catechist), with a faithful band mounted guard nightly to protect his pastor. When the Bishop, powerless to prevent the moral contagion, left the district in displeasure, the same Haronga guarded his property.

In November, 1865, there had been a large number of Hau Haus, or presumed enemies, gathered at Waerengaahika, a pah situated not far from the abandoned residence of the Bishop. Donald McLean called upon them to surrender their arms, threatening that in case of refusal the dreaded Ropata and Biggs and Fraser would appear upon the scene. The Hau Hau chief Rararuhi Rukapo scorned the proffered terms. The forces arrived, and there was intermittent firing on both sides. On Sunday morning a large number of the rebels approached the English trenches with flags of truce. A volley was poured upon them. Some rushed back to their pah. Some fell to the ground and feigned death. More than 60 were left dead on the field. After a few days the pah was taken. In it were found 63 dead Maoris and more than 70 wounded.<sup>1</sup> There had been screaming of women and children while the firing subdued the pah. One hundred and sixty stand of arms were captured. Whether needed for self-defence or war, such a loss was fatal to the losers in such a bloody time. Other small parties in the vicinity were attacked successfully, and many of the Hau Hau chiefs were killed. Major Fraser made a seizure which was to cost New Zealand dear. In the allied ranks was Te Kooti, who always asserted and of whom it was admitted that he had fought for the English at Waerengaahika. Fraser suspected that he had held communication with rebels. In a postscript to his despatch announcing the fall of Waerengaahika he

<sup>1</sup> An eye-witness recorded a daring act of Renata Tupara. After a skirmish in which some Hau Haus fell, three of Major Fraser's men, while reconnoitring, saw the bodies of Renata Tupara and two others on the ground. Hearing a noise, after they passed the bodies, they looked round and saw him running away with two guns. He had risked his life to secure them, and feigned death as the Europeans passed. Although fired at, he escaped into the pah.

laconically said :<sup>1</sup> " I have made just now a prisoner of a native called Kooti on suspicion of being a spy." It was known that the captive had a relative among the enemy. He was not committed for trial; but having been thus arrested without warrant was shipped off to the Chatham Islands by Mr. Stafford's Government, without writ or authority of any kind; and the wrong done to him was to be written a few years later in terrible characters of blood. No one seriously believed that he was guilty of treachery at Waerengaahika. Lieutenant Gudgeon in his 'Reminiscences' of the war, says: "There does not appear to have been much truth in the charge, for the men whom he was accused of communicating with were a hundred miles off, nevertheless he was shipped away without trial, and, as many persons assert, without cause except that he was a troublesome, daring man . . . it is certain that all the after atrocities committed by him were dictated by a revengeful spirit against those who caused his deportation." The reported firing upon the flag of truce called for inquiry from the Ministry of the by no means scrupulous Mr. Stafford, who became Premier in October, 1865. In a despatch from Waerengaahika (21st November), describing the capture of the pah, Fraser had said that the rebels approached in a large body with a flag of truce. "We, however, providentially did not pay any attention to their flag, as no flag of truce should be respected carried by such a large body of armed men, and I ordered them to be fired on before they could come up with us." Whether the Maoris at the last moment, seeing the force arrayed against them, desired to close with Donald McLean's proposals, or whether they were practising the deceit attributed to them by Fraser, there is not evidence to show. But Fraser and his comrades, when called upon (2nd December) to explain why he paid no attention to a flag of truce, defended themselves by statements which could only find credence on the supposition that his original report was untrue. They asserted that they did pay attention to the flag, and that the order to fire was not given until a small red cross in the corner showed that it was not a flag of truce.<sup>2</sup> Biggs wrote,

<sup>1</sup> N. Z. P. P. 1864; A. No. 6.

<sup>2</sup> Lieutenant Gudgeon, in his book on the war, without assigning reasons, gives a third version at variance with Fraser's earlier and later statements.

that "even supposing it to have been a flag of truce, which it was not, after the treachery which the Hau Haus had been guilty of in wearing our badges, I consider that, accompanied as it was by such a large number of armed men, you would have been very much to blame had you allowed the fanatics to come any nearer our position without firing upon them."

The Government spared no trouble in reducing the east coast to the peace of death. In January, 1866, Major Fraser accompanied the chiefs Kopu, Ihaka Whanga, Karauria, Ropata, Hotene, and Paura Paura, who led 520 men from the Upper Wairoa to Waikaremoana. Biggs advised that the force should march in two columns. Ropata contended that in such a rough country the difficulty of making a simultaneous attack with two forces marching by different roads made the plan of Biggs unwise. Ropata's counsel prevailed. The advance-guard encountered an ambuscade. Ropata scaled a hill and stormed the enemy's rifle-pits on the right; Ihaka Whanga though wounded in several places cheered his men in the gorge; Kopu attacked rifle-pits on the enemy's left, and the Hau Haus were driven headlong, chased by a picked body fewer by far than the fliers. Fraser drew "particular attention to the bravery of Ihaka Whanga, and the skill with which Kopu and Ropata outflanked, routed, and followed up the enemy." The Hau Haus fled past Onepoto at the Waikaremoana lake, and that stronghold fell into possession of the conquerors. A council of war was held on the following day, at which the chiefs decided to shoot four prisoners, three for "having come from other places to fight the Government," a fourth for "having previously fought against it at Tauranga." Major Fraser reported the fact as if such a finding and immediate sentence called for no comment. Lieutenant Gudgeon in his 'Reminiscences' avers, that one of the prisoners was a chief of high rank; that Fraser told Ropata "the chief ought to be shot"; that Ropata said, "Shoot him": that Fraser did not act upon his own advice; and that, "some hours after, finding Tamaionarangi still alive,

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Fraser mistook the character of the flags, and "called out to the men not to fire upon flags of truce. Luckily Biggs was present; he knew they were fighting flags, and before the mistake could lead to serious consequences, ordered the men to fire."

Ropata said : ‘ You all seem afraid to shoot this man, but I am not ’ ; so saying . . . he shot him.” Thus was war conducted in the name of the Queen of England. No time was lost in confiscating nearly half a million of acres at Opotiki. A word must be said as to the reward which the Government gave to some of their Maori allies. The Arawa had ever been staunch. Had Mr. Weld remained in office their gallantry would perhaps have been more suitably acknowledged. It is painful to find Poihipi Tukeraingi and others petitioning for justice in 1866. “ We paid no heed to the fact that it was the time of putting seed into the ground. We thought not of our wives and children, but only that the Pakehas were to be our parents. . . . We worked on till the work was ended. . . . Now we have given up those wicked men into your hands ; not one escaped from us ; neither did you give us any Pakehas to assist us. The only thing you did was to supply one half of the food, I myself finding the greater portion. Eighty days did we stand up to fight. We did not make a backward movement. The Native Minister came to Maketu. He expressed in words his recognition of our services, but it occurs to our minds that thanks expressed in words only will not keep us alive. That Minister then pleaded that the Government was poor, and told us of a sum of £1500. We were much troubled because the amount was so small, and we wept for our wives and children. . . . Look also upon the fatigue we endured, and our having plunged into the midst of death in scorn of consequences. Suppose it had been Europeans instead of Maoris, would they have been satisfied with this pay,—£2 5s. per man for three months ? . . . Look upon the money spent by us in this work as compared with the army which you landed at Opotiki, to capture Kereopa and Patara, and which did not accomplish its purpose. Look at the cost of that army. Was it not £40,000 ? To us simple-minded persons it appears that the Government is not poor, inasmuch as it can afford to throw money away upon work which fails in its objects.” These allegations could not be contradicted. Returns showed that in 1864, 1865, and 1866, the Arawa had received about £3000 in rations, £250 as pensions to widows of those who had fallen in battle, and £2600 in money ; the last award being £1500, in May, 1866, against the insufficiency of

which they remonstrated. The Native Minister who recommended it was Colonel Russell. Mr. J. C. Richmond informed the committee to whom the petition was referred that the services of the tribe had been "emphatically acknowledged by the two last Ministers," and that though Colonel Russell gave no distinct promise, he "hinted" in May, 1866, at Maketu, that if the tribe would subscribe for schools and roads the Government might supplement their gifts by grants of like amount. The committee recommended the adoption of this suggestion, and their report was ordered to be printed for the use of members of the House. The sympathy of Mr. Stafford's Ministry went no farther, nor did any member suggest in either House that the Arawa should be fed by further words. The Legislators were busy at the time with a Customs Bill, Land Bills, a Superintendents' Deputy Bill; and, as confiscation had not been sweeping enough, there were amendments required in the Native Reserves Act, although the Native Minister was told in April, 1866, that the session of 1865 had demonstrated the enormous facility with which the Maori reserves could by parliamentary manœuvres be translated into English. The process must be described.

The manner in which the General Government and the Otago Provincial Government conspired to defraud the Maoris of their reserve at Prince's Street in Dunedin; the aid afforded by Mr. Stafford in procuring the Governor's signature, and the obstinacy with which the crime was adhered to after exposure, are too significant to be passed over. The early purchases in the Middle Island (1844) from the natives by the Government, through the agency of Captain Symonds; Mr. Kemp's deed of purchase of the Otago block; and Mr. Mantell's subsequent employment as Commissioner for acquiring lands in the Middle Island, must be borne in mind. Between 1848 and 1856 Mr. Mantell acquired about 30,000,000 acres for about £5,000 *plus* certain promises, which were accepted by the Maoris on the strength of his word, and which the colonists with a few noble exceptions have deliberately and pertinaciously broken. In 1852 he urged that a small reserve should be made for the convenience of natives visiting Dunedin. Governor Grey consented, and what Mr. Mantell called "the only suitable piece of land

now vacant," was formally reserved by the Governor,<sup>1</sup> at the east side of Prince's Street in Dunedin. It contained three acres. Mr. Mantell was in London in 1856 before it was known that special danger impended over the reserve, but not before his indignation had been roused by the oft-repeated repudiation of promises made by himself and other representatives of the Government. Mr. Labouchere, the Secretary of State, refused to see him on the subject. The correspondence which ensued was lengthy. Mr. Labouchere rejected a suggestion to invite Mr. Justice Martin's aid with regard to the questions raised by Mr. Mantell; who replied that by reference of them to the Governor, who "not incorrectly defined his position as that of a cypher, the Imperial Government practically repudiates the obligations which I had thought it in honour bound to fulfil. I have now only to hope that the General Assembly may take a more enlightened and humane view of the subject." On the 18th August, 1856, he told Mr. Labouchere: "As you have refused to entertain the claims of the Ngaitahu natives to those benefits which were promised to them on the cession of their lands to the Crown, and it is therefore very doubtful whether those claims will be satisfied, I cannot while such doubt exists continue to hold office in the Department." He cast away the offices he held, as he could "approve neither of the principles upon which the acquisition of native lands" was "conducted, nor of the policy of the Local Government toward the natives in either island." The correspondence was referred to Governor Browne; and Donald McLean, then Native Secretary, furnished a commentary which can only be accounted for on the plea that his position rendered necessary a proficiency in those arts of Sir Pertinax MacSycophant which did not commend themselves to Mr. Mantell. The Governor had, in the opinion of McLean, done much at "great personal inconvenience;"—"with the exception of the education of the young, for which purpose there are no funds at your Excellency's disposal, I do not perceive that any neglect has been evinced towards the natives referred to by Mr.

<sup>1</sup> Letter from Colonial Secretary Domett to Mr. Mantell, 6th June, 1853. Most of the facts will be found in the 'Compendium of Official Documents relative to Native Affairs in the South (or Middle) Island,' compiled by Alexander Mackay, Native Commissioner. Wellington: 1873.



Mantell." After this reference to the position of Mr. Mantell, whose voice will be heard again with regard to the native reserve at Dunedin, the proceedings there may now be narrated. After the ominous act of Governor Browne at Waitara, in 1859, we find two of his advisers, Stafford and Richmond, at Dunedin, arranging preliminaries with the Superintendent of Otago, Captain Cargill. The Governor was with them. The way had been paved for them by a convenient report from a Commissioner of Crown Lands, who suggested that the previous Governor exceeded his powers in making the reserve. The Provincial Government had already encroached on the reserve by forming immigration barracks. But it was deemed convenient to remove to another site the attention of any natives who could claim the use of their reserve when visiting Dunedin. Cargill allowed accommodation to be made for them on land held in trust as a site for public buildings. When sufficient time was supposed to have elapsed a new Superintendent, Major J. L. C. Richardson, took another step. The discovery of gold-fields gave sudden value to commercial sites. Authority was obtained for a Commissioner of Crown Lands, the convenient Cutten, to let reserves, and in February, 1862, a portion of the coveted plot was let in sixteen allotments for one year for an aggregate sum of £2136 12s. 9d. The deposit money was placed by Cutten "under a separate head from other Crown revenue, to await instructions for its disposal." That such a sum should go towards fulfilment of pledges made to Maoris was repellent to Cutten as well as to the Otago Provincial Council. In November, 1862, Cutten asked for leave to pay on demand of the Town Board the cost of making a footpath (£604 12s. 1d.). Precise as to the amount, he gave no hint that the reserve had been even claimed on behalf of the natives. The authorities in Wellington "suspecting" it to be "a native reserve," instructed him to give further information and in the "mean time to refuse payment of the rate." After a month he furnished a report, admitting that Mr. Mantell had recommended the reserve, but concealing the fact that the Governor had complied with the recommendation, and urging that the rate should be paid. In July, 1863, the Treasurer (in Domett's Ministry) authorized the payment. The accumulating annual rents amounted to

about £6000 in 1864, and under the administration of Whitaker and Fox the Otago Provincial Government thought they could depend upon support in an attempt to impeach the validity of Sir G. Grey's reservation for the natives. Mr. Harris, Superintendent of the province, plied Mr. F. Dillon Bell with arguments which were conveyed to Mr. Fox. Mr. H. T. Clarke, the resident magistrate at Invercargill, was authorized "to go into the matter with the Provincial Government and Mr. Cutten, and to report." He forthwith visited Dunedin and waited upon Harris and Cutten, but "could not obtain any positive information on the subject." They had no desire for an honest inquiry. "To draw from the provincial authorities the point at issue," he wrote a letter, asking for their statement and any documentary evidence in support of it, and "promised to call for an answer in six weeks. I did so, but no answer was ready, nor have I since received any reply." Mr. Clarke, for whom one feels instinctive respect because conspirators shrunk from him, examined the original (Kemp's) deed of 1848, and found these words duly attested in English and Maori by English officers (R. A. Olliver, Commander H.M.S. 'Fly' being one): "Our places of residence and our cultivations are to be reserved for us and our children after us, and it shall be for the Governor hereafter to set apart some portion for us when the land is surveyed by the surveyors." "This, I presume (he wrote to Mr. Fox 24th October, 1864), apart from any other power which the Governor may possess, should set the question at rest." Mr. Clarke was to learn the melancholy difference between what should have been, and what was, the conduct of affairs in New Zealand.

The Whitaker-Fox Ministry left office in November, 1864, and there was a prospect that Mr. Mantell, as Native Minister, might stay the injustice on which the Otago authorities were bent. He brought the subject under the notice of Sewell, the Attorney-General. It appeared that it was not until Sir George Grey had left the colony that doubts were suggested as to his power to make the reserve. Mr. Weld, in March, 1865, thought the matter ought to be dealt with, and the Otago Superintendent (Harris), fearful lest justice should be done, intervened with a plea that the reserve, if made at all, was made without "the sanction of the local authorities at Dunedin." He averred

that he was instituting a search "to discover some documentary evidence" such as Mr. Clarke had asked for in 1864. It is difficult to believe that he thought he was telling the truth when he wrote that he was not "fortunate enough to see Mr. Clarke" on his second visit, that he could discover no letter from him in the office, and that he "concluded that Mr. Clarke was satisfied that the objections verbally urged by (Harris) were sufficient to deter the Government from taking further steps" for (what Harris called) "alienation of the public reserve in question." Major Richardson (Postmaster-General in Weld's Ministry), was at Dunedin at the time. He was a representative of the district, and Harris was warned by him that as the "Government had arrived at the conclusion that no claim exists on the part of the Provincial Government," it was evident "that not a mail should be lost in making known" to Mr. Weld any claim to be made. Thus stirred, and hearing with agony that the Commissioner of Crown Lands, Cutten, had been ordered to pay to the Sub-Treasurer of the General Government the rents in hand (£6031 18s. 9d.), Harris formulated his claim. Its spurious nature may be gathered from the fact that he founded it partly on intentions implied in letters written by officers of the New Zealand Company in 1847; *i.e.* before the natives had sold the Otago block to Mr. Kemp. The Provincial Council supported him by a report which was equally irrelevant. Some of the original settlers would, they said, have insisted in 1848 on selecting the "very spot" if they had not trusted that it would be used for "public purposes."<sup>1</sup> Mr. Richardson in June did battle for his covetous constituents. He regretted (June, 1865) that Mr. Mantell had, in the memorandum put before Sewell, recorded that in 1861 it had been urged that the reserves at Port Chalmers and Dunedin were "too valuable for the natives." Such grounds would be "evidently most unfair." He did not know whether there was "any documentary evidence to show that such a plea was ever seriously urged." Richardson only desired "a fair hearing" for the province. Mr. Mantell drew

<sup>1</sup> The pliant Cutten, in his report of 1858, burlesqued the settlers' claims. He insinuated that they were anterior to those of the Maoris. The Governor could not (he thought) reserve land for natives which had "been already set apart" by the Otago Association!!!

up a minute on the case. No unbiassed mind could fail to agree with it. The absurdity of impugning the Governor's power to make the reserve was brought into bold relief by proof that at the date of the reserve both the Otago Association and the New Zealand Company were defunct, and on the Crown had devolved any control which might previously have been vested in them. Mr. Mantell relieved Richardson's mind by admitting that he knew of no documentary evidence of the plea that the land was "too valuable for the natives." But Richardson had urged it to Mantell in a conference, though Cutten "immediately protested against it. For me, my surprise at such an argument from such a source deprived me for the moment of the power of replying. While I willingly acquit my honourable colleague of having the least desire now to advance such a plea, I cannot believe with him that it is one which would find no advocates in Dunedin, or indeed any other town in New Zealand." The Attorney-General gave his opinion on the 29th June. It was clear. The land had been duly reserved for the natives, and there was no "ground upon which either the Provincial Government of Otago, or any municipal body" in Dunedin, or any private individual, could impugn the reserve. The rights of the New Zealand Company had devolved on the Crown by surrender of their charter in 1850. "The right of the General Assembly had not come into existence under the Constitution Act" when the Governor, armed with all the "rights and powers vested in the Crown or the company, amongst others the power of setting apart reserves," exercised them in making the reserve at Prince's Street. The company had done nothing to bind even its own discretion as to the land when the charter was surrendered; the province of Otago was not even in existence when the reserve was made, the validity of which "cannot now be impugned" on behalf of the province, the dead Otago Association, any "aggregate body of settlers, or any individual purchaser." Mr. Sewell under-rated the rapacity of the men of Otago. The land was indeed, in the eyes of Richardson and his accomplices, "too valuable for the natives." Governor Browne's verdict that, *recte aut quolibet modo*, some colonists would seize on Maori lands was to be glaringly exemplified. The Otago Provincial Council requested that no Crown grant might be

issued till they had "had an opportunity of appealing to the House of Representatives." The Assembly met on the 26th July. On the 1st August a Select Committee was appointed. Mr. Reynolds from Otago was chairman. Mr. Stafford was a member. On the 25th August, 1865, they reported that "after careful consideration" as to the equity of the case, they had "arrived at the conclusion that the land was wrongfully set aside for the use of the natives," and that a Crown grant ought to be "issued in favour of the municipality of Dunedin." The report was unanimously adopted in the committee, but a like disgrace did not befall the House. Mr. Mantell moved that as the land was claimed as a native reserve the claim should be decided upon by the Supreme Court, and the Government should facilitate the trial. Such a dispute submitted to such an assembly could find but one solution. Mr. Mantell was defeated by 29 votes against 17. With bitter irony Mr. Mantell (1866) wrote that, though he was willing to believe the proceedings perfectly parliamentary, it forewarned all who took an interest in Maori rights that "the time might not be far distant when by precisely similar and equally parliamentary action there may remain in the whole Middle Island, and in any part of the Northern Island in which our perceptions of justice are not strengthened by our fears, not one acre of Maori land or Maori reserve which shall not have been appropriated to provincial uses."

Justice may halt, but it is grateful to reflect that she was not without a witness to denounce at the time the flagrant contempt for right which a majority of the House was so ready to display. Mr. Weld deserves perhaps peculiar honour. He was warned that if he would not sanction robbery, he would lose certain supporters. The ignoble threat was despised. Those who made it were more firm in falsehood than they had been in faith, and Mr. Vogel was able as an ardent advocate of provincialism to move a resolution about the appropriation of a Stamp Tax which caused the deserted Weld to resign. By retributive justice upon the deserters, the advocates of provincial privileges were in their turn abandoned by Vogel. Mr. Weld retired, and Stafford became Premier on the 16th October. The parliamentary session ended a fortnight afterwards, and the way was clear for the Dunedin intriguers. Stafford, who had supported them openly

would not withhold secret aid. The pliant Commissioner of Crown Lands applied on the 4th November for a grant of the reserve to the Superintendent of Otago. He was careful not to describe it. He said it was needed for "public utility." The schedule containing it mentioned it as "a piece of land situate in Prince's Street, Dunedin." The description of another grant, applied for in the same schedule, specified the number of the block and of each section thereof, with the purpose in view—a "public hospital." Mr. Stafford, who knew the ground well, and had with Mr. Richmond examined it in 1859, affected not to observe that the application related to the reserve reported on by the Select Committee on which he had served. He suggested (21st November) to the Superintendent of Otago, Thomas Dick, that "the object of the trust" should be more particularly specified. Dick, with equal affectation, requested that the land should be granted "as a reserve for wharves and quays." But the plot was to be effected by stratagem. It might be that Sir George Grey would have qualms of conscience if proved to have knowingly signed the grant against the issue of which Mantell, Fitzgerald, Weld, Sewell, and Fitzherbert had openly protested. It was made to appear that the grant was inadvertently signed by the Governor on the 11th January, 1866. As the circumstances were investigated by the Native Affairs Committee in 1877 on the petition of Taiaroa, a Maori representative, two witnesses—Sir George Grey and Mr. Stafford—are perhaps entitled to explain in their own words the part they took in issuing the grant. Both attributed the culmination of the long conspiracy to inadvertence. Sir George Grey said: "Discussions had taken place between myself and law officers, and I had resolved that I ought not to sign the grant until the matter had been further discussed. A number of grants were presented . . . I believed that one of them . . . was the grant for this land, but I could not positively identify it. (The vagueness of the schedule will be remembered); and as the Colonial Secretary (Stafford), who presented the grants to me, was perfectly satisfied that it was not the grant for this reserve, I signed it. Subsequently it turned out that the grant had been signed. It was done under a mistake . . . It was discovered the same day that the grant had been signed improperly, and the Government tried to recover

possession of the grant, but it was found that the grant had been sent off that day in a vessel going to Otago, and in that way the land passed . . . Mr. Stafford found out that the mistake arose from the negligence of a clerk in the Crown Lands Office. . . . Mr. Domett, then Commissioner of Crown Lands, whom I sent for, told me how the error had occurred." Mr. Stafford testified: "As far as I can recollect, I think it probable that neither the Governor nor myself were aware when that particular grant was signed. . . I think it is very probable that this grant may have come up inadvertently with a number of others, and in the same way may have been sent on by me to the Governor for his signature. I have used the word 'inadvertently' because I have some recollection—I will not be quite positive<sup>1</sup> about it—that I had given a special instruction that that grant should not be sent on for signature without my attention being called to the fact. . . . I believe, although I will not be absolutely positive at this length of time, that I gave (such) instructions. . . . I have been informed that Sir George Grey, who was then Governor, has stated that he put some questions to me with regard to this grant. I have no recollection (that he) ever put questions to me about any grant whatever at any time. But if Sir George Grey says he is perfectly certain he did put such questions to me, I am not at this length of time prepared to say that he did not, but I have certainly no recollection of (his) having at any time questioned me as to a grant, and I think if such an occurrence had taken place I should have recollected it. . . ."

The doctrine of probabilities coined by Mr. Stafford in 1877 needs not the wit of Pascal to expose it. The Governor had written in 1867 that "his responsible advisers" advised him to sign the Crown grant. Mr. Stafford might perhaps refuse to accept the Governor's evidence. But his own words convict him. If he had been honest, in the first instance, he would have ordered, not that the "grant should not be sent on for signature without (his) attention being called to the fact," but that it should not be sent at all, or even be prepared. If he and his colleagues had been honest, their first step after what they chose

<sup>1</sup> Positive assertion on this point would have somewhat jarred with the recollection of Stafford's connivance in supporting the grant in the House shortly before he presented it for signature.



to call "inadvertence," would have been to assist the Governor in the immediate revocation of the grant. The Governor himself did not display the vigour shown by Sir W. Denison in Sydney when his Minister declined to put the seal to a grant of which the issue was demanded by law. Sir W. Denison said that if his adviser would not affix the seal he (Sir W. Denison) would do so; and acted accordingly. It satisfied the New Zealand authorities to commit a wrong, to attribute it to the blunder of a clerk,<sup>1</sup> and to make no attempt to redress it. The conspirators at Otago affected no concealment, and made no excuses. Their next step was calculated to undeceive any one who professed to have been misled before. On the 29th January, the Dunedin town-clerk applied for "certain moneys in the hands of the General Government on the account of the reserve lately known as the Maori Reserve, Prince's Street, South Dunedin." There was no unwillingness to define the land as the Maori reserve after it had been purloined. Mr. Stafford did not protest that the grant had been inadvertently made, but thought there was "no power to transfer" the accrued rents, and would introduce a Bill in the "next session for determining doubts as to the appropriation of the land and the funds arising out of it." A general election was held in March, and Cargill, Macandrew, Dick, Reynolds, and Richardson, were again returned, and Stafford was loth to offend them. Richardson became his colleague in August, 1866. The chief Taiaroa, hearing of the fraudulent grant, wrote (5th August) to the Governor: "It was wrong to

<sup>1</sup> As these pretences may appear incredible in England unless vouched by a responsible Minister, it may be well to quote what Mr. J. C. Richmond (a colleague of Stafford) wrote in October, 1867: "The Government proposed an amicable suit. . . The Provincial Council never acquiesced. . . Mr. Stafford was advised that to bring the matter into Court a grant must issue to one party or the other, and had intended to recommend a grant, but in the mean time, inadvertently as regards his Excellency and the Colonial Secretary, a grant which had been prepared on the authority of the resolution of the House of Representatives was presented for signature and issued." Mr. Richmond exempts others from the excuse he pleads for Stafford. Moreover, though Stafford's offer to try the matter before the Court was made nine months after he had issued the grant, Richmond's memorandum implies that the offer preceded the grant. Shortly after these transactions the Governor told the Secretary of State that the debates, legislation, and Acts of the Assembly would be "admitted to be creditable to their humanity." If so it was of low type.

take away our land without cause." After long delay Mr. Stafford (16th October) told the Superintendent of Otago that the Government were "of opinion that the question of the validity of the grant should be submitted to a proper judicial tribunal." He proposed to bring the matter before the Supreme Court by Writ of Intrusion. Mr. Dick replied: "I decline to try the validity of the Crown grant by the course proposed, on the ground that the Provincial Government cannot recognize any Maori right or title to the reserve in question, which point, it it was understood, had already been definitely decided by the General Assembly."

In 1866 Stafford introduced a Bill "to declare the Superintendent of Otago entitled to receive" the rents held by the Government. The Lower House passed it without amendment. In the Upper House it was "ordered to be read a second time that day six months." The foiled conspirators renewed their efforts in 1867. The Parliament had no sooner assembled in July, than Harris, Reynolds, Vogel, and Macandrew (Superintendent of Otago as well as a representative), with twelve other legislators, in a formal document urged Stafford to pay immediately without aid of law the coveted rents. They made no reference to the rejected Bill of 1866, but pleaded that great injustice would be done to the Dunedin municipality if the accrued rents which it had calculated upon should be retained for the defrauded Maoris. The elastic Stafford consented "that the payment requested should be made," and would "consider in what manner this can be legally effected." It was found that, as the reserve was vested in the Superintendent of the province, he (Macandrew) "only, and not the Corporation of Dunedin, could be recognized as the recipient of the rents." Stafford was advised that, as proceedings were threatened in order to obtain "a declaration of the invalidity and cancellation of the Crown grant," he would not be justified in handing over the accrued rents without an undertaking on behalf of the province, that in the event of the grant being declared invalid in a court or by the legislature, or in the event of the right of other persons to the rents being established, "the moneys paid over will be refunded to the Colonial Treasurer." On receipt of such an undertaking Stafford would part with the money. Macandrew,

on the 25th July, refused to contract such an obligation ; and on the 30th, Mr. F. Dillon Bell placed his services at the disposal of the conspirators. and introduced a similar Bill to that of 1866.

Meanwhile the rightful owners were not silent. John Topi Patuki, on his "own behalf, and that of the Ngaitahu and Ngatimamoe tribes," prayed the Governor (15th July, 1867) to permit and enable them to ascertain before the Courts "whether or not a remedy can be found for a great wrong and infringement of our rights which we conceive to have been committed." They had received no warning of an intention to take away the reserve ; they believed the grant to the Superintendent "illegal and void," the land having been reserved for the tribes, and Patuki prayed for leave to institute proceedings by *scire facias*, in the name of the Crown or otherwise, for obtaining the repeal of the grant. His solicitor was informed on the 18th July that the Governor would allow the "use of the name of the Crown" in the proceedings, but expressed no opinion as to the validity of the grant. It is almost needless to say that the upright Mantell was consulted. On the 25th July, Mr. J. C. Richmond, "understanding that he had consented to assist the natives," informed him that a sum not exceeding £200 would be at their disposal in prosecuting the suit. On being applied to, the Attorney-General (Prendergast) returned the writ with the endorsement (6th August), "upon the usual bond for £500, let the writ issue." Mr. Mantell wrote (7th August) to Mr. J. C. Richmond, that, as the Government held the accrued rents, exceeding £6000, he had no hesitation in asking him to indicate how the Attorney-General's demand was to be acceded to. On the 19th August, Richmond informed Mantell that the "Government having at or near the time of my promise (of pecuniary aid), entered into an arrangement altogether inconsistent therewith, have considered it proper to withdraw the guarantee in question," admitting at the same time responsibility for costs incurred to date. The "arrangement" proved to be Stafford's obedience to pressure. He agreed to pay the accrued rents to Macandrew without prejudice to any rights of the natives. The motive of the arrangement was to ensure that no part of the rents should be available for the Maoris. They were to be defrauded of the income as they had been defrauded of the

estate. On the day on which Richmond revoked his promise, Mantell sent to the Governor a petition from Patuki to the Queen. It referred to the honourable engagements entered into by Her Majesty in the treaty of Waitangi, and prayed that any Bill, deciding by legislation questions which ought to be tried judicially, might be disallowed. When the Maoris parted with their lands, they were not "accustomed to scrutinize narrowly deeds" submitted to them for signature, but were "ready to regard as equally sacred and binding" assurances made to them in Her Majesty's name by one of her officers. The petition set out the facts of the case, and the objections to the Bill then before the New Zealand Parliament, wherein the Maoris were unrepresented. Similar petitions were laid before both Houses of the Assembly. Mr. Mantell was justly indignant. Misled by Richmond's recanted promise he had incurred expenses. Patuki had journeyed to the south, and had tendered the bond for £500 demanded by the Attorney-General. "Whether" (Mr. Mantell bitterly said) "that unfortunate chief can withdraw this guarantee with the facility which you appear to believe attends a similar but far less justifiable act on the part of the Government, the Attorney-General can inform you. . . . In this dilemma the Government proposes now to assume a position of absolute passiveness, withholding from suitors of its own creation enough of their own money to pay their expenses. . . . Of the choice thus made by the Government there is, I fear, but one opinion open to any man who cares for the reputation of the colony and his own honour." Richmond, 26th August, replied that Mantell's injurious remarks would require notice when "a more temperate view" could be taken, and that the Bill before Parliament had been amended so as to make it clear that it did not confirm the Crown grant or prejudice suitors. Expenses authorized by Mr. Mantell before Richmond revoked his promise would be paid. The Bill brought in by Mr. F. Dillon Bell, on the 30th July, "declared that the Superintendent of the province of Otago, and his successors, are entitled to the said sum of £6031 18s. 9d."

On the 6th August, on Mr. Bell's motion, his Bill was laid aside, because "the Government had taken the matter up." On the 7th, Stafford introduced a similar Bill, but said that it had no other object than to enable the Treasurer to pay certain

moneys to Macandrew, in trust for certain purposes. On the 23rd August, the Petitions Committee recommended (on Patuki's petition) that a clause should be inserted in the Bill to the effect that nothing contained in it should "prejudice the claim and title of the petitioner and his tribe." On the same day Stafford agreed to omit from his Bill the words, "it is hereby declared that the Superintendent of the province of Otago and his successors are entitled to the said sum of £6031 18s. 9d." It was trusted that if Macandrew could lay hands on the money, the Maoris would never recover it. The Bill was read a third time on the 10th September, and sent on the 12th to the Council, in which Mr. Mantell had a seat. There would seem to be an atmosphere in an Upper House which renders it more trustworthy when honour is involved than the more eager and unscrupulous Chamber, chosen, not so much because the general characters of its members command respect, as because at the period of election they profess concurrence with the clamour of the hour. Drawn from the same elements as the representatives, but by a different process, the Council dealt differently with Patuki's petition that the Bill might not be passed, but "that the whole question be dealt with by a judicial tribunal." The petition was referred to the Committee on Public Petitions. On the day on which the Bill reached the Council the Committee reported on the petition, that, "inasmuch as the question referred to them . . . appears to be one which can only be equitably and satisfactorily decided by the Supreme Court, in which it is shown that an action relating to it is already pending, the prayer of the petitioner be acceded to, and that no measure in any way affecting the question should be entertained until such decision has been given." The Council read the Bill a first time on the 12th September, but on the 17th, on the motion of Mr. Menzies, adopted without a division the report of the Committee on Patuki's petition. The Bill lapsed. But while the Houses were still in session, Stafford (24th September) audaciously paid the accrued rents to Macandrew, who, to secure them, consented on the 12th September to give the guarantee which he had previously refused. So hurriedly was the misappropriation effected, that in the next session a Select Committee of the Lower House reported that it was irregular, and that under

all the circumstances, "special reference being had to the loss of the Bill which was introduced for the purpose of authorizing the payment, the money ought not to have been paid."

The later arts practised by New Zealand public men in consummating the fraud by which the Maoris were robbed of their reserve at Dunedin, concern the time when the *scire facias* writ was issued and argued, and an appeal to the Privy Council was made. Maori members had then taken their seats in the Assembly, and Taiaroa, who represented the southern Maori district, exercised some influence, though he could not altogether thwart the designs of Macandrew and his abettors. Some minor portions of the conspiracy which Stafford's Government aided in 1867 may be briefly alluded to. While apprehensive that the loss of the Bill of 1867 might prevent his acquisition of the accrued rents, Macandrew trafficked with the Government to induce the Maoris through their solicitor to accept another piece of land instead of their own, and promised to spend £1000 in enclosing and building on it a hostelry.

The Ministry kept back Patuki's petition (of 17th August) to the Queen until October, when they had paid the rents to Macandrew. Sir George Grey sent it on the 8th October, with an explanation from Mr. J. C. Richmond, who said it had "been held back in the hope that an arrangement of an equitable kind might be effected by the two claimants—the province and the Ngaitahu tribe." Mr. Richmond said that the fraudulent grant to the province was "inadvertently as regarded his Excellency and the Colonial Secretary presented for signature and issued." The Governor told the Secretary of State that his "responsible advisers inadvertently advised" the signing, which he did "in ignorance of what (he) was doing."<sup>1</sup> Another meanness was perpetrated. A memorandum written by Mr. J. C. Richmond on the 26th October, 1867, informs us that "his Excellency stated that he thought the expenses of a suit for testing the validity of the grant should be borne out of the accrued rents of the reserve. That fund is no longer in the Treasury." But

<sup>1</sup> The Governor added that he had "sincerely desired that the case should have been compromised in a generous spirit towards the natives in the Middle Island, who parted with large tracts of land to this Government for an almost nominal consideration."

the Ministers would not object to his Excellency's taking money for the suit from "other rents of native reserves;" and the Governor accordingly directed the payment of £400 to be advanced out of "moneys arising from native reserves" in which the Ngaitahu tribe was interested. Thus the tribe were first robbed of their reserve and mulcted of other property in their effort to obtain justice. It was ordered in the Executive Council that the moneys advanced should "be repaid with interest thereon as shall be hereafter directed."

The reader may desire to know what was the response of the Secretary of State to the petition of Patuki. The Duke of Buckingham (21st December, 1867) informed Governor Bowen that it had "been laid before the Queen, but I have been unable to advise Her Majesty to take any steps in relation to it. I observe, however, that the Bill to which he refers, and which appears to have been intended to legalize the provisional use by the Otago Government of £6000, is alleged to have been withdrawn." If the Duke had observed the larger questions at stake he kept silence about them. As far as he was concerned the Queen's honour and the guaranteed rights of the Maoris were remitted to the mercy of Macandrew. How it would be exercised may be inferred from the fact that on one occasion Macandrew being arrested for private debt while Superintendent of the province, used his power as such Superintendent to issue a proclamation, and declared his own house a gaol in order to defeat the law. The only safeguard to which the Maoris could look was the dread by their conspiring enemies of exposure by the keen and capable Mantell. But past experience had bitterly shown how difficult it was to wring from public men in New Zealand any justice to Maoris, or to extort respect for the plighted word of the Queen.

In the year following that in which Mr. J. C. Richmond wrote that the "Ministers would not object" to the Governor's abstraction of Maori money to enable the surreptitious grant to Macandrew to be tested, a Native Lands Court was held in the Middle Island, and a glance at its proceedings is needful. It sat at Canterbury during that portion of Mr. Stafford's administration which followed the junction of Mr. Hall with his old opponent. Mr. Hall asked Mr. Mantell to attend as a witness,



and he did so. In delivering judgment on one (the Rapaki) case submitted to them, the Court said it "could not fail to be struck with the remarkable reservation (in the Ngaitahu deed) by the vendors of all their 'pahs, residences, cultivations, and burial-places, which were to be marked off by surveys, and remain their own property.' This provision has not, according to the evidence, been effectually and finally carried out to the present day, nor has any release been sought for by the Crown. . . . The Court feels very strongly that it would be greatly to the honour and advantage of the Crown that the stipulations and reservations of these deeds of purchase should without further delay be perfectly observed and provided for." One claim (Kaitorete) comprised a strip of land (between Lake Ellesmere and the sea at Bank's Peninsula) of from 12,000 to 15,000 acres, and the power of the Government was brought to bear against the claimants, Heremaia Mautai and his friends. Mr. Rolleston, under the style of Crown Agent, acted for the Government, and had subordinate aid. Mr. Hall was present to assist if higher power should be needed. The Chief Judge Fenton sat with a Maori assessor, Pukuatua, an Arawa chief. On the 28th April, 1868, Mr. Hall intervened; and after discussion between himself and counsel on both sides the case was adjourned, "in order to see whether any arrangement could be made in the matter,"<sup>1</sup> between the Government and the natives. No agreement was arrived at, and to coerce Mr. Cowlshaw the Maori counsel, Mr. Hall signed an "order of reference" of a singular character under the Native Lands Acts 1865 and 1867. The 83rd section of the Act of 1865 enacted that with regard to agreements past or future made between Maoris and officers treating for cession of lands, the Governor might refer the agreements to the Court for determination, but it excluded until the 31st December, 1866, any outstanding agreement, "unless the Governor shall otherwise direct." The Act of 1867 prolonged the exclusion until the 31st December, 1868. Many months would elapse before that exclusion would cease to operate, and the Governor was not present to "direct otherwise." But few

<sup>1</sup> 'Compendium of Official Documents relative to Native Affairs in the South Island.' Alexander Mackay, Native Commissioner. Vol. ii. Nelson: 1872.

New Zealand statesmen regarded the law when Maori interests were at stake. Mr. Hall, on the night of the 28th April, signed an order referring the agreement of 1848, and wrote that he did so "by command." Mr. Cowlshaw objected that the Government could not thus interfere when the case seemed unfavourable to them. Mr. Williams for the Crown resented such an imputation, but confessed that "after hearing Mr. Mantell's evidence and that of the natives, the Crown were willing to admit that the reserves intended to be made under the incomplete Ngaitahu deed had never been carried out. . . . When it was found that the natives had a claim to more land than was reserved for them the Crown wished to refer it to the Court, to say what quantity of land should be reserved in addition, and declare that the Ngaitahu deed should be completed by a release from the natives." The Judge over-ruled Mr. Cowlshaw's objection to the arbitrary stoppage of a case in course of trial. Mr. Fenton admitted that the Governor's "powers were of a very wonderful kind," but the power "to make a case an order of reference was trifling as compared to that given by other clauses of the Act." Cowlshaw urged that an *ex post facto* use of the power could not have been intended by the Legislature, and proposed to put it in evidence that the Governor had "never authorized Mr. Hall to refer the matter to the Court." Williams retorted that if Cowlshaw persisted "the Crown would be driven to take an extreme course." Mr. Hall added to his signature—"a member of the Executive Council of the Colony of New Zealand"; and the Judge said that the Court was "bound to presume that the Order of Reference was duly authorized by the Governor; the Governor's signature was not necessary, and it was presumed that Mr. Hall acted on his authority until the contrary was shown."<sup>1</sup> Under this strange ruling the order was admitted, maugre Mr. Cowlshaw's objection, and the Judge said he would "proceed with the case with increased powers." After such preliminaries the result was almost visible. Evidence was, however, taken, but the Order of

<sup>1</sup> It appears from a speech made by Taiaroa in Parliament (21st July, 1881), that Hall evaded examination. "Cowlshaw rose in his legal apparel and pranced about the Court, but he failed to find the Honourable John Hall because that honourable gentleman had got on his horse and gone to his own place fifty miles off." The Governor, Sir G. Bowen, was far away, unconsulted.

Reference was the weapon on which Mr. Williams relied. To Mr. Cowlshaw's disparagement of the vague conveyance (in Kemp's deed of 1848) of lands to William Wakefield—"there was nothing to show what had been sold, or the terms upon which the land was sold," Mr. Williams retorted that such an argument would concede "to the present claimants . . . a share in the whole of the Ngaitahu block." Judgment was reserved; but "the wonderful powers" which the Judge had recognized seemed to ensure its tenor. When it was delivered (on the 5th May) the Judge, at the entreaty of the Native Assessor, "hoped that the (triumphant) Government would give fisheries to the natives wherever available." Mr. Rolleston asked "the Court to mention the extent of land to be awarded," but Fenton shrunk from the task. There was an adjournment, with a view to ascertain what reserves the Government would consent to include in the new deed to be extorted under order of the Court, and on resumption of the sitting Mr. Rolleston consented to inclusion of "eel-weirs and fisheries" in the reserve, but stipulated that they should "not interfere with the general settlement of the country"—of which the Government would remain the judge. The elaborate judgment demands notice. The case was declared to be "of vast importance, immediately concerning the title of the Crown to nearly the whole of this and other provinces, and raises points of a difficult and conflicting character. And the Court feels that it is scarcely a fit tribunal for the determination of such important legal principles, and such great constitutional questions." The Judge could scarcely impugn the good faith of the Queen in entering into the treaty of Waitangi, although he remarked, "the conditions laid down by Vattel and other writers on international law were not fulfilled in it. As, however, it constituted the foundation on which the English sovereignty was built up, . . . it must be accepted as a valid treaty forming part of the law." After such an exordium it might have been expected that the judgment would be built upon the acknowledged foundation. But such a course would have jarred upon many minds in New Zealand. The Judge thought it "necessary to inquire what is the interpretation put by the Crown" on the treaty, and he raked from the charter, sent by Lord John

Russell to Hobson in 1840, a phrase that the Letters Patent should not affect the Maori rights to lands now actually occupied or enjoyed by such natives." This "idea," . . . that the Governor might grant all lands except those "actually occupied by natives," led to an Instruction (5th December, 1840) to survey "all the lands" in the colony. But while quoting that phrase the Judge did not notice another in the same Instruction: "It is our further will and pleasure . . . that you do especially take care to protect (the native inhabitants) in their persons and in the free enjoyment of their possessions." This omission was much; but it was not so glaring as the absence of all allusion to the reiterated pledges of every Governor of New Zealand to maintain for the Maoris, in the words of the treaty, "full, exclusive, and undisturbed possession of their lands and estates, forests and fisheries, and other properties which they may collectively and individually possess, so long as it is their wish and desire to retain the same in their possession." It would have been better for the Judge to recall the noble rebuke administered by Lord Stanley to the New Zealand Company in 1843, than to construct a shadowy idea under which the treaty might be eluded. But his mind seems to have been clouded.

The reader will remember the wiles of Lord Howick in the Select Committee of the House of Commons in 1844; how he strove to give effect to them by his Instructions in 1846; how Sir W. Martin and Bishop Selwyn resisted him; how Governors Fitzroy and Grey were constrained to reiterate their assurances that the Queen would honourably maintain the treaty, and how Earl Grey himself was compelled to convey the same assurance in the name of his Sovereign. It ought to have been impossible to cite the nefarious and recalled Instructions of 1846 as cogent, and yet the Judge cited them as a distinct indication of the "view taken by the Imperial Government," though he admitted that it was "objected to by the natives, and was never carried into practice, and in fact could not have been in a peaceful manner." Earl Grey would have limited Maori rights to the land "actually occupied or used by means of labour expended thereon," and the millions of acres not so occupied or used which the Crown had purchased from the natives, practically refuted the "idea" to which Mr. Fenton catachrestically referred

in 1868. Dismissing the treaty he nevertheless found that between 1846 and 1851 a "change took place in the interpretation put by the English authorities on the territorial rights of the aborigines:" but he did not state that the pretensions of Earl Grey were never entitled to be called the views "of English authorities"; that they differed from Lord Stanley's decision; that they were never adopted, but on the contrary were crushed in Parliament by the eloquence and influence of Mr. Gladstone,<sup>1</sup> and others; and that Mr. Labouchere in introducing a Bill which abandoned those pretensions promised that the treaty should be "scrupulously and largely interpreted," which assurance he hoped would satisfy Mr. Gladstone that there was no intention on the part of the Colonial Office to "take any course upon the question of waste lands in New Zealand inconsistent with the rights guaranteed to the natives under the treaty of Waitangi." Mr. Fenton confessed that in the Constitution Act of 1852, passed when Lord Derby was Prime Minister, "the unoccupied territory in the hands of the aborigines" was "regarded as their distinct and admitted property."

Such being the case it might have been thought impossible to deny Heremaja Mautai's claim to compensation if he could prove that he had received none. For the convenience of the colonists it had been the custom to enter into possession and compensate owners afterwards, ever since the days when Mr. Spain permitted the proceeding rather than eject the settlers whom Colonel Wakefield had improperly located at Te Aro, in Wellington. The process was not a just one. It ignored the tribal rights guaranteed by the Queen. Yet, though not altogether laudable, it was a clumsy attempt to compensate men who had been robbed. But Mautai was not supported by a powerful tribe. The colonists were numerous and powerful in 1868. They had been few and feeble in 1841. When Mautai declared that he had never consented to the sale, was no party to the contract, and had received none of its fruits, he was asked to name his "hapu." When he declined to say more than that he belonged to "all Ngaitahu" (Ngaitahu katoa), the fact that

<sup>1</sup> "As far as England is concerned there is not a more strictly and rigorously binding treaty in existence than that of Waitangi."—Mr. Gladstone's speech.

"some of his immediate family" had received money was held sufficient to disarm his claims. "The Court cannot recognize individual ownership of native land. . . . The contrary doctrine was endeavoured to be set up by the Government in the celebrated Waitara case, but all aboriginal New Zealand protested against it. . . . We cannot allow Heremaia to set up a doctrine because it now suits his interest, against which all his countrymen have so energetically protested. *Qui sentit commodum sentire debet et onus*, is the maxim, and the Maori custom is that the individual must (as regards native land) be bound by his tribe in their external relations."

Mr. Fenton wronged Te Rangitake. That chief never claimed that his rights barred those of others. He never denied that Teira had tribal rights within the Waitara block. He admitted them. "The land belongs to Teira and to all of us," was his contention: and it harmonized with that of Heremaia at Kaitorete. If any Ngaitahu could prove that he had not been consulted, had had no opportunity of protesting, and had shared in none of the results of the Ngaitahu purchase, he was fairly entitled to be heard, and not to be stopped by Mr. Hall's fabricated order of reference, and Mr. Fenton's adapted judgment. It might have been deemed difficult to do away with the admissions that the treaty of Waitangi and the Constitution Act of 1852 recognized and guaranteed the rights of the Maoris over all waste lands in New Zealand; but legal sophistry can weave webs in which elaborate details supersede principles. Mr. Fenton descanted upon the rise and fall of the New Zealand Company. Mr. Cowlshaw had impugned, on various grounds, the validity of the Ngaitahu deed of 1848. Mr. Fenton retorted that "the two laws on which Mr. Cowlshaw relied for avoiding the deed" were repealed, and "the provision in the Constitution Acts was not retrospective." He was wisely silent as to the plain terms of the treaty. He was of opinion that the Ngaitahu deed was sufficiently bad in itself to convey no rights to Colonel Wakefield or his principals, the New Zealand Company, but that "by the common law of the empire that deed did suffice to extinguish the title of the tribe Ngaitahu in the lands described," although made in presence of and attested by a commander in the navy, who seemed to represent good faith on the

part of the Crown. There was "abundant evidence of the existence of a parol agreement of the Ngaitahu tribe or a majority of them to sell to Wakefield." The Crown adopted the contract; Mr. Mantell "partially reduced it to writing by making a memorandum of the receipt of £500 in part payment." . . . "Now the maxim is, *Omnis ratihabitio retrotrahitur et mandato priori æquiparatur*. Seemingly unconscious that every word he uttered was a stab at the treaty of Waitangi and the honour of England, the Judge discussed whether "the part performance (of the parol agreement) had been sufficient to render powerless the Statute of Frauds," which required all agreements relating to lands to be in writing. He cited many English decisions, and beat the New Zealand air, but did not approach the Kaitorete case. "The Court (he concluded) is of opinion that though the several payments made by Mr. Mantell would not of themselves suffice to prevent the operation of the Statute of Frauds . . . yet those payments combined with the receipt and the amended plan, and the subsequent acts of ownership exercised by the Crown (for a piece of land has been granted) would form sufficient ground to cause a Court of Equity to compel a specific performance, and it will be the duty of the Court under the order of reference to ascertain all the terms of the contract, and to make such orders as will secure the due fulfilment of them by the Crown on one side, and the Ngaitahu tribe on the other." He dismissed Heremaia's tribal claim as spurious, and touched upon the proved fact that the tribe had exercised of old, and after the Ngaitahu purchase, rights of fishery on the land, which would be regarded in the decree for specific performance. He gave judgment (he said) for the Crown, but it was a violent figure of speech, for the Crown was dishonoured by disregard of the treaty, and was even made a party to a quibble which confiscated the Maori rights on the plea that the Maoris had forfeited their treaty rights by joining in a transaction with the Crown. There were legal maxims which Mr. Fenton did not cite, but which were more cogent than that with which he professed to set aside the Maori claims. Kemp, as Commissioner for the Crown, made the Ngaitahu purchase. It was at his solicitation that the Maoris signed the Ngaitahu deed. *Volenti non fit injuria*. Even if the supreme authority of the treaty



had not protected the Maori rights it could not be pleaded that the Crown was wronged by the presumed sale, which was the act of the Crown by its accredited officers. *Nullus commodum capere potest de injuria sua propria*. If the act was wrong the Crown could take no advantage of it. These were maxims not only of English but of more ancient jurisprudence, and ought to have made the Kaitorete judgment impossible. At the closing of the Court at Canterbury, the Judge, nevertheless, expressed his "recognition of the justice, which bordered on liberality, with which the Crown had met the claims of the natives." Some cases had been dismissed; in some the Maoris were successful; in others it seems that the Crown avoided adverse judgment, for they are recorded as "withdrawn, the grant having been prepared in the claimant's name."

The Court proceeded to Otago, where Taiaroa and many others appeared before it. When the case of the Maori reserve in Dunedin was put before the Court, Macandrew pleaded to the jurisdiction; the convenient Cutten produced the Crown grant, surreptitiously obtained; the application of "Taiaroa and others was dismissed, evidence having been given that the land had been granted to the Superintendent of Otago;" and the applicants were instructed through an interpreter that "they would have to go to the Supreme Court." The fraud practised at Dunedin was nevertheless proved, *aliunde*, by a judgment delivered as to a Maori reserve recommended by Mr. Mantell at Port Chalmers simultaneously with that at Prince's Street, and granted in like manner by the Governor to the Maoris. Mr. Mantell described the reserve made in 1853. Counsel for the province opposed the Maori claim on the ground of want of power in the Governor to make the reserve and on many technical points; Cutten declared that the land was "selected in Great Britain in 1847." It appeared that on a portion of the reserve a Presbyterian church had been built. The Court postponed a decision on that point for further hearing,<sup>1</sup> but delivered an elaborate judgment as to the remainder, to the effect that "no grounds whatever had been shown to justify the Court in saying that the Governor was

<sup>1</sup> After some days it was pleaded that the Church "had not had sufficient time to get together the evidence required," and their case was adjourned *sine die*

not justified in doing what he has done." A Crown grant was ordered to be issued to Taiaroa, Patuki, and others. Mr. Mackay, the Native Commissioner (from whose careful compilation these facts are drawn), lost no time in guarding against any tampering with lands awarded by the Court to the Maoris. The grant of the Prince's Street reserve to Macandrew had evinced the immoral capacity of the province. Mackay at once transmitted to Cutten a schedule of the lands awarded, with a request that Cutten would "take the necessary steps to withhold from sale the lands" described (29th May, 1868). Macandrew, indignant at the awards, appealed to the Governor (17th July, 1868) against the proceedings. His voluminous despatch was demolished (28th July) by Mr. Domett, then Secretary for Crown Lands, in a memorandum which referred to the treaty of Waitangi, the Queen, her Instructions, and common sense. But Macandrew's power over Mr. Stafford, the Premier, was not exhausted by the procurement of the grant of the Maori reserve in 1866. Stafford is to be found endeavouring to appease Macandrew by a telegram in November, 1868, by suggesting that though advised that there was no force in Macandrew's general arguments, if there were specific objections to "any order or reserve" a re-hearing must be applied for "immediately by telegraph" as time for application would soon expire. An official letter shows that Stafford throughout his tenure of office did not venture to displease Macandrew by obeying the law. Stafford resigned on the 28th June, 1869, and on the 1st October, 1869, Mr. Domett called upon Cutten to explain why the grants to the natives, "detained from execution on representations made" by Macandrew, should not be issued at once. In 1870, Macandrew, still Superintendent and obstructive, appealed against the awards, especially that of 1000 acres at Tautuku, "capriciously" ordered "upon *ex parte* evidence." Some of the land would, he said, have been sold in 1858 if the province could have had it surveyed, and he affected to think this assertion a bar to the award of 1868. The Chief Judge briefly repelled the charge of deciding upon *ex parte* statements, and averred that the awards ought in his judgment to be supported; and no further trace of Macandrew's opposition is to be found except with regard to the reserve at Dunedin, which was remitted by Mr. Fenton to the Supreme Court.

The manner in which Mr. Hall fabricated the "order of reference," in order to defeat Heremaia Mautai, would not, perhaps, have shocked the moral sense of the community if it had not jeopardized the release of the Government from further claims. Mr. Hall's equivocal act was not condemned, but it was found necessary to pass an Act "to remove doubts as to the sufficiency of a certain order of reference," . . . signed "as by command and on behalf of the Governor." It was enacted that it should be deemed as "valid and effectual to all intents and purposes as if the same had been made by and given under the hand of the Governor. The Act offered at the same time a crumb to the Maoris by providing that nothing in it or in the Orders of the Native Land Court should extinguish Maori claims in respect of promises of "schools, hospitals, and other advantages to induce (the natives) to consent to the sale of the said Ngaitahu block." Otherwise, the Act extinguished all native title in Ngaitahu territory.

In December, 1865, Dr. Featherston unveiled a statue of Grief, erected at Wanganui to commemorate the deeds of those friendly natives who crushed at Moutoa in May, 1864, the invaders of Wanganui. He had previously joined in receiving the Wanganui men on their return from the east coast, and he extolled the bravery of the dead and of the living when he unveiled the monument. Having thus paved the way he strove to induce the chiefs to aid General Chute in a campaign on the west coast. Some who had been at Opotiki were discontented at receiving no payment, and Mete Kingi was dissatisfied at their treatment. Dr. Featherston addressed the tribes. Haimona, one of the heroes at Moutoa, sprang to his feet and declared that they would follow Featherston into the field. "Thus" (a local print stated) "terminated one of the most important meetings ever held in the colony. General Chute obtained a Maori contingent of 286 men; but to ensure their co-operation it was requisite that Dr. Featherston should accompany the forces. He joined them on the 2nd January, 1866, and on the 4th the Okatuku pah was captured with trifling loss of besiegers and besieged. The Maori contingent danced a triumphant war-dance by moonlight. Pushing across a tributary of the Whenuakura river (the native allies under Major McDonell leading

through dense forests, ravines, and precipices), General Chute, with about 700 men, approached in rear the fortress Putahi, situate on a wooded hill 500 feet high, abruptly rising and cleft with deep gullies separating the descending spurs. Two hundred Ngatiruanui were supposed to be in the pah. A correspondent of the Wanganui 'Times' wrote: "The General desired at first to attack at once, but wisely yielded to native representation of the necessity of deliberation. . . . Thereby the main defences of Putahi were neutralized. . . . At 3 a.m. on the 7th the General's force . . . in perfect silence and darkness ascended the ridges. . . . The native contingent, under Major McDonell, and Kemp (Rangihwinui), a really useful lion that day, led the way" to the plateau. By a rush from the wooded shelter, after some firing, Putahi was stormed. A prisoner, after being allowed to tell that the firing had been destructive to the rebels, was, in cold blood, "freed from the cares of this life by one of his own charitable countrymen."<sup>1</sup> Thus wrote the Wanganui reporter. Colonel Weare, of the 50th Regiment, who was stationed at Patea, in obedience to the General's orders placed two ambuscades, intercepted some flying rebels, wounded one, and made another prisoner of war. Colonel Weare<sup>2</sup> was with the ambuscade which effected the capture. The Major-General loudly praised the Forest Rangers under Von Tempsky, and the native contingent. Putahi was burnt, and on the following day the contingent destroyed their countrymen's crops, and returned laden with potatoes, which they shared with the troops. On the 9th, General Chute marched across the Whenuakura river to Kakaramia, taking thither Colonel Weare's prisoner of war. On the 10th, scouting parties went out. It was ascertained that the enemy had taken shelter at Otapawa, accessible only by a way shown by the native contingent. There the Ngatiruanui were at bay. On the morning of the 11th January, General Chute left his camp before sunrise, having given orders that the Maori prisoner of war should be shot, in cold blood and without trial. These orders were executed by a party of the 50th Regiment,

<sup>1</sup> 'A Campaign on the West Coast of New Zealand.' Wanganui, New Zealand: 1866.

<sup>2</sup> Colonel Weare's despatch (7th January, 1866) to the Deputy-Assistant Adjutant-General.

and the officer in command shed tears of shame as he obeyed them. Chute, who deserves henceforward the shortest of appellations, marched to Otapawa, where, under cover of six-pounder guns served by the Royal Artillery, the gallantry of the 57th and 14th Regiments carried the fort on the 13th January. In storming it Colonel Hassard of the 57th fell, mortally wounded. Twenty-nine Maoris were found dead; and of the English eleven were killed and twenty wounded. Again Chute loudly praised all ranks. The country was scoured; settlements, crops, and houses were destroyed. On the 15th January, he wrote to Sir George Grey: "All the principal villages and positions up to and within reach of this camp (Ketemari) having been destroyed and the rebels scattered with heavy loss, I propose, in pursuance of your Excellency's instructions, to continue my march immediately towards Mataitawa and New Plymouth by the bush-track behind Mount Egmont." He abstained from allusion to the murdered prisoner in his despatches. The Wanganui record,<sup>1</sup> describing the capture of Otapawa, said: "Three shots from the Armstrong had called forth no reply; . . . many a one, even to the General, thought that the pah had been abandoned . . . it lay as silent as a graveyard, and as ominous. Colonel Butler on advancing further could see that the silence was not caused through a want of occupants. The rifle-pits behind the palisading were thickly lined with black heads, and a bush at right angles with the pah swarmed with the black vermin." Elsewhere the same record stated that the garrison at Putahi included "a fair proportion of ferocious Amazons." But the Wanganui scribe, like Chute, did not mention the killing of the prisoner of war without trial. Before the march was resumed there was some difficulty in persuading the Wanganui men to go farther from their homes; but Dr. Featherston was eloquent. Hori Kingi te Anaua, the principal chief, by an urgent appeal converted the recalcitrants, and there was a general chorus: "We will go; we will go." Eighty were chosen for the work. The native contingent, in advance, shot a few rebels, but no resistance was encountered. Food was scarce. Horses were killed and eaten on the way. On the 25th, the General reached Mataitawa, whither the native contingent had

<sup>1</sup> 'A Campaign on the West Coast,' &c.

preceded him. On the 26th, with 100 of the 43rd Regiment and an Armstrong gun, he went in a steamship to the mouths of the Mokau and Awakino rivers, but saw nothing worth destroying, and returned without landing the troops. On the 27th, he marched into Taranaki. A triumphal arch was erected to do him honour: and the Superintendent of the province, Mr. H. R. Richmond, presented an address, lauding his sagacity and courage, which had left "no security for rebellion." Nothing loth to accept praise he answered: "It was a source of great satisfaction to find that our efforts to restore the peace of these districts have met your approval." He marched southwards past Oakura, and on the 1st February destroyed the Waikoko pah, killing a few Maoris and laying waste an "unusual extent" of cultivated grounds. On the 2nd, Dr. Featherston prudently went before the destroyer, who found on arriving at Te Namu that Featherston had permitted many natives to take the oath of allegiance and avert the destruction of their homes. Chute passed on to Opunake, and there took measures which might, if that were possible, have intensified the savage despair of the Hau Hau fanatics. Te Ua, the founder of their superstition, was peacefully residing there. Mr. Parris, by express authority from Colonel Haultain, the Defence Minister, had permitted him to do so. Chute, in spite of Parris, surrounded Te Ua and his followers and made them prisoners, on the ground that they had formerly been in arms and had not taken the oath of allegiance. Some were released, but Te Ua was sent to Sir George Grey, who exercised clemency towards the captive. Chute seemed confused with elation at having marched through the forest. Men under his control marauded everywhere, robbing friend and foe. Mr. Parris protested, and the Major-General ordered him to go away to Taranaki. There he heard that a peaceful chief, robbed by the army, had joined the rebels. Numbers of stolen horses were sent to Taranaki to be sold by auction. Mr. Parris wrote to the Native Minister: "The scene which took place at the sale-yard was perfectly disgraceful. Nearly the whole of Captain Corbett's company, who have been serving under him as Bush Rangers for the last two months, were present, more or less under the influence of liquor, fighting and quarrelling about the ownership of particular horses, and abusing their Captain and

Lieutenant for having taken away the best of the horses to themselves instead of sharing the proceeds of the whole among the company as agreed upon. The natives for claiming their horses were blackguarded and threatened with violence by the mob, on hearing of which I sent for the horses claimed to be pointed out to the auctioneer, but not to provoke violence. . . . It is my duty to inform the Government that the friendly natives are beginning to be very much alarmed at the state of things, but I do hope that something will be done to put a stop to the very unfair interference with their rights."

Taranaki had ever a bad eminence, and its atmosphere tainted even the military. Wiremu Kingi Matakatea,<sup>1</sup> distrusting the General, retreated to his residence Nukuteapiapi. Soldiers were sent thither. His property was seized or destroyed, and buildings were burned. Parris applied to Colonel Warre for a pass to enable a chief to seek Matakatea, and "recommend him to come in and refer his case to the Government." The army under Chute not only would not allow the chief and his followers to communicate peaceably with the refugee, but a Captain of the 43rd disgraced his uniform by ordering them to go before the troops in the attack. They protested, but were told that for disobedience they would be made prisoners. "They<sup>2</sup> were thus," Mr. Parris complained, "arbitrarily compelled to go in front of the troops without a gun in their hands wherewith to defend themselves, to the attack of a near relative." The brutality of these proceedings was denounced by a Taranaki newspaper, which declared that it would have been better for Taranaki if the march from Wanganui had ended in the town, for the General had left more enemies in the district than he had found. On the 6th, Chute destroyed Meri Meri, and on the 7th finished his course at Patea, welcomed by the band of the 18th Royal Irish with the air—"See the conquering hero comes." On the 11th, he reached Wellington by ship, and received congratulations on his "complete and triumphant success." On the 12th, he described his campaign to the Governor. He descanted on the difficulties surmounted. "There were no less than 21 rivers and 90 gullies, the precipitous banks

<sup>1</sup> Not to be confounded with Wiremu Kingi Te Rangitake of Waitara.

<sup>2</sup> N. Z. P. P. 1866 ; A. No. 8, p. 9



of many of which presented formidable obstructions to our advance, and required great labour to make them passable. . . . To accomplish a distance of about 54 miles the force was eight days actually on the move." He reported the capture of Te Ua who was at his "Excellency's disposal." His own disposal of his prisoner of war was not mentioned. "I believe that throughout the country traversed by the field force during the last six weeks there does not now remain one fortified position or ordinary village in the occupation of the rebels, who have suffered most severely in loss of life, habitations, cultivations, horses, cattle, and other property." He enclosed a diary kept by the commanding officer at Waingongoro in January, which showed that all fruit-trees were destroyed. If the Romans in Britain acted like Chute one sees that the words attributed to Galgacus may have been the simple truth. *Solitudinem faciunt, pacem appellant.*

Chute could not find words to express his gratitude for Dr. Featherston's assistance in "sharing all dangers and privations," and obtaining information which could not otherwise have been gained. The native contingent was praised. Hori Kingi te Anaua, Rangihwinui, and Haimona, at all times merited his "warmest approbation." Majors McDonell and Von Tempsky, and Ensign McDonell were highly commended, and Chute intended to report to England the "noble and gallant conduct of the whole of the troops engaged." On the 13th February, the Governor told the Secretary of State that Chute had "displayed every quality of a great General." On the 15th February, the Governor eulogized the General at a banquet. The ghost of the murdered prisoner did not rise to mar the festivities, and the General, we are told, "resumed his seat amidst continued cheers which lasted several minutes." But though banished from that scene the miserable victim must be remembered in these pages. His death became known in England through a letter written by his captor, Colonel Weare, to his brother, a clergyman. "The General received me very coldly for taking this man alive after his intimation of 'no prisoners.' However, I told him I could not order my men to kill a man after he had thrown down his arms and surrendered. . . . The prisoner was taken to Kakaramea, and kept there till the 11th, on which

morning the General left at 3 a.m.; and at 8 a.m. under instructions from the General, this prisoner was taken down to a gully, tied hand and foot, and then cruelly shot to death by some of the 50th. . . . I have written to the General to know if Captain ——<sup>1</sup> had due authority and orders for this act, as otherwise we consider he has cast a stain on the name of the regiment. . . . Since the leaving of Sir Duncan, the true sentiments of the Governor and his Government have come out towards the Maoris in their urging General Chute on to all these atrocities of killing and no prisoners." After denouncing wholesale confiscation of land, and narrating cruelties said to have been committed by the native allies, Colonel Weare hoped that "the degrading and brutalizing manner in which this war is now conducted may be known in England, and the troops no longer be allowed to be demoralized by the colonists for their sole selfishness."

Colonel Weare's hopes were gratified. Mr. Cardwell (April, 1866) confidentially urged Governor Grey "to secure the observance of all the humane usages of war," and told him that the War Office would communicate with General Chute. Mr. Cardwell could not suppose that the imputations upon General Chute or the local government were incapable of complete reply, but, on the other hand, was not warranted in considering that they were made in bad faith, and regarded them "therefore as calling for immediate and most serious inquiry." The Governor brought the matter before his Executive Council in a minute—denouncing the statement that the Colonial Government desired no prisoners as "a base and wicked calumny,"—demanding copies of Colonel Weare's letters,—and declining "to receive the communication as a confidential one." He denounced vigorously to the Colonial Office the practice, which had grown up under General Cameron, of aspersions in private letters, and which had led to prolonged war and misery. He repelled the thought that he or his Ministers urged General Chute to commit atrocities. Had he been base enough to entertain it, the noble nature of many of the officers and men of Her Majesty's forces would have taught him better than to dare so to constrain them. He who tracks the public

<sup>1</sup> Though I know the name left blank in the published despatch, there is no object in making known the name of the unwilling executioner.

men of New Zealand must confess that Sir George Grey, if correct with regard to the army, "protested too much" for the civilians. The soldiers always felt repugnance in waging war brought about by the greed and for the profit of the settlers. They served the Queen loyally, but with shame for the cause of war. The Ministry scarcely deserved the defence made for them. Soon after Colonel Weare's prisoner was shot, Sir George Grey wrote (2nd February, 1866) an elaborate apology for them in contravention of Sir William Martin's views which they opposed. The Governor, forgetful of the suppression laws, and of his recent contests with the rapacity of Whitaker and Fox, and with the Assembly, argued that as a rule public men in the colony had been temperate in times of excitement, and that the Assembly had "shown a scrupulous care for the rights both present and prospective of the native race. . . . I feel sure that upon the whole the debates, the legislation, and the Acts of the General Assembly will hereafter be admitted to be creditable to their humanity, and to the nation to which they belong, and I have no reason to think that Sir William Martin would not agree with me in the opinion which I have thus expressed."

Another despatch proves that the shooting of the prisoner was not altogether unknown at the time, and that the Ministry at least were culpable in not instituting a rigid inquiry before the task was imposed upon them.

Sir George Grey wrote (13th June, 1866) that on seeing "a statement in a local newspaper that the troops under General Chute had shot a prisoner who was said to have been known to be the murderer of a soldier, I immediately called the attention of the Minister of Colonial Defence (Colonel Haultain) to the subject. He informed me that I might make my mind quite easy regarding it, because he had been informed that it had been intended to execute this prisoner, but the Superintendent of the province of Wellington (Dr. Featherston), who was present with the General, hearing what it was intended to do, spoke to the General on the subject, who immediately sent orders that the man's life should be spared. Since I have received your confidential despatch I have again spoken on this matter with the Minister for Colonial Defence, who tells me that he subsequently heard that the General's orders arrived too late, not

reaching the place until the man was executed. This is all I know on the subject. My ignorance regarding it is undoubtedly to be attributed to the fact of the War Department receiving communications from their officers even of a confidential nature reflecting on myself without such communications having been made known to me, and to the system very naturally adopted by the military authorities in this country of making most meagre reports to myself of their proceedings, and refusing or neglecting to furnish me with copies of their reports to the Secretary of State for War."

If Colonel Haultain deceived Sir George Grey, or was himself deceived in the first instance, no excuse can be found for his not prosecuting an inquiry as soon as the death of the prisoner was known. The grief of the officer who obeyed Chute's orders was no secret within or beyond the camp. Sir George Grey's failure to institute a searching inquiry as to the truth of the newspaper report somewhat mars his later remonstrances. The Minister who declared that he "subsequently heard" that the reprieving order arrived too late, would at once have reported the fact to the Governor, and compelled investigation, if he had not been an accomplice before the fact or ready to condone it. As for the General himself, there is no published allegation of his own that he desired to stay the execution, and as he left the camp shortly before the prisoner was shot, there is an air of improbability about the plea made for him. Colonel Weare, when called upon by General Chute to explain, expressed regret for some of his statements which he called camp rumours, not intended for publication. He disbelieved the rumours against the native allies to which he had given currency. As to the supposed order about prisoners, he was courageous enough to repeat: "I certainly myself understood that the Major-General did not wish prisoners." He regretted having written his letters, and hoped the General "would consider them withdrawn." By permission of the General he made the same request to the Governor. He regretted "having in a moment of great excitement given expression in a family letter to thoughts which had come hurriedly into his mind, and which he would not on more calm deliberation have felt himself justified in making or entertaining." The Governor promised that as regarded Colonel Weare he

would request that no further steps might be taken. At this date the charges were unpublished. But Sir George Grey's repulsion of them brought upon him the wrath of the new Colonial Secretary. The Earl of Carnarvon received the despatch addressed to Mr. Cardwell, and determined to flesh his bureaucratic sword upon the memorandum-writing proconsul. Admitting that the charges against the Governor were completely disposed of, he condemned the tone of the despatches disposing of them. Alleging that the Colonial Office had complied with the custom of requiring complaints against a Governor to be sent through himself, the Earl did not see how justice could have been more effectually secured. He professed sympathy with a Governor who thought himself "left without due protection from cruel and unfounded imputations;" admitted Sir George Grey's high character and public services; and told him that his minute to his Executive Council and despatch to Downing Street were so improper that the right course would be to withdraw them. "In this hope I now refrain from considering what would be the duty of Her Majesty's Government should you unfortunately come to a different conclusion." The Governor did not accept the suggestion. His minute was the only recorded defence against charges standing against him in the Colonial Office. He could not withdraw it. It defended his Ministers as well as himself. He would not desert them. They had unanimously approved his minute and denounced the barbarities imputed to them. As for the language he had used, he could not detect any impropriety, but might be a wrong judge in his own case, and was willing to withdraw or apologize for any phrases improperly applied. He was willing to meet the common lot of men. Wantonly accused of having given effect to a wicked hatred of one class of the Queen's subjects, and having pressed the army of a great and merciful nation to commit shocking crimes, he had striven earnestly to do his duty to the Queen, to his office, to his reputation, to the Secretary of State, to his advisers, and his fellow-subjects in New Zealand. "On a point on which my future reputation rests, I ought to, and must, decide for myself; and I believe that hereafter it will be admitted (if not now) that the course I have taken was becoming to my office, to the great powers with which the Queen and

nation had entrusted me, and to my own long services; and I still trust that your Lordship will concur in this view of the subject." The Earl did not receive the Governor's defence. He was sensitive where his own honour was concerned, and, with Lord Cranborne and General Peel, quitted the Ministry when Mr. Disraeli, with the adroitness of a clown, abandoned the protestations of years, and changed front on the question of Electoral Reform before an audience which appreciated the grace and audacity of his acting.

The Duke of Buckingham, who received the seals of the Colonial Office, unable to deal seriously with the Governor's despatch, passed over the refusal to withdraw the minute and despatch, and affected to perform his duty by observing with satisfaction the Governor's readiness to withdraw expressions which might be considered improper. Further appeal was made. Weary of continually urging the removal of troops from New Zealand, and of disputes between a Governor and a General, Earl Carnarvon, on the 1st December, 1866, had instructed Sir George Grey that he was not at liberty to exercise any control over the movements or disposition of Her Majesty's troops. There was an exception as to one regiment which might be retained on certain conditions. In Parliament the Earl animadverted (15th July, 1867) on the Governor's conduct, who complained to the Duke of Buckingham that the Earl had misled the House and the country. The despatch subjecting the Governor to the General had been printed in England, but the Governor's answer to it had been withheld from Parliament.<sup>1</sup> In it he had declared that, feeling keenly the disgrace to which the Secretary of State had subjected him, it would be his pride nevertheless to serve the Queen "as carefully in disgrace as in prosperity." At the same time he argued against the adoption of a rule so injurious to the service. To call a man Governor-in-Chief and to exempt from his control the senior officer of troops in a colony seemed improper in the eyes of the Duke of Cambridge, who declared in Parliament (15th July, 1867), that "no more dangerous step could be taken; and for this reason, that the military authorities must and ought to be subordinate to the

<sup>1</sup> In return to an Address of the House of Commons, its publication was elicited in 1869.

civil." But the Colonial Office had arrived at the conclusion that the Governor was the obstacle to the withdrawal of troops ; it was weary of disputes, and cut the knot which it could not untie. The cause which had induced the threat to remove the Governor was not set at rest during his term of office.

Sir George Bowen succeeded him in February, 1868. In that year for the first time were published the letters written to the Colonial Office by the Rev. Mr. Weare, attributing barbarities to the desire of the Colonial Government to have no prisoners. Accusations were contained which had never been made known to the Governor by the Colonial Office. Though then in private station, he promptly sailed to England to demand in person the inquiry which he had vainly asked from the Earl of Carnarvon in 1867, and which the Duke of Buckingham declined to grant in 1868. Rightly or wrongly he had the sympathy of the colonists. Arrayed against him were Earl Granville and the traditions of the War Office. His Ministry had joined him in his first protest against the charge of complicity with the killing of the prisoner. In August, 1867, the Legislative Council ; in September the House of Representatives ; had earnestly and unanimously addressed the Queen, defending Sir George Grey, and praying that the irregular reception of secret charges might be checked. Their Governor had been maligned. The indictment had revealed the butchery of a prisoner without trial by order of the General. The honour of England was stained. The Duke of Cambridge, at all events, would be guided by a sense of right and a soul of honour. The papers showed that all the facts had not been laid before him. But Earl Granville had no desire to permit the Commander-in-Chief to do justice. Behind a formal veil of politeness he was as obdurate as his predecessors. He would not re-open a question which, he averred, had been decided by competent authority. It was in vain that Sir George Grey, as the Queen's late representative in New Zealand (1866), asked the nature of the decision spoken of, and the authority by which it was pronounced. Those who work in the dark do not drag their deeds to light. Earl Granville cared little whether the Duke of Cambridge might be unjustly charged with the iniquity complained of. It would be forgotten amidst the pressure of new needs. All eyes in



England were intent on the Irish Church. Not because of the alleged injustice of its grey existence, but because it was a party question, the disestablishment of the Church filled the political landscape. The ghost of a Maori could find no room there. Earl Granville improved on the proverb. If it be wise to let a sleeping dog lie, it must be wiser to avoid discussion about a dead Maori, though done to death by an English General. Discussion was objectionable, for though winked at, a foul wrong could not be openly defended in the English Parliament. The case must be strangled. It was unmannerly to bring a slovenly unhandsome corpse betwixt the wind and the Earl's nobility; and he was a fit functionary to reprove Sir George Grey as Hotspur was rated at Holmedon. After one or two supercilious evasions, he declared that he saw no advantage in prolonging the correspondence. It was, perhaps, thought advisable to draw no invidious distinction between a Cameron and a Chute. The first had been knighted, and it was decided to give the same honour to the second. The most notable feature in the conduct of the Secretaries of State was that whereas when Sir George Grey captured Weraroa new instructions were framed to prevent similar feats,—when inquiry was demanded as to the doing to death of a prisoner in cold blood, it was refused, although it was distinctly laid down in the Queen's Regulations that, in all cases of court-martial convictions, sentence of death was to be suspended, until approved, on Her Majesty's behalf, by the Governor. In the case reported by Colonel Weare there was not even a court-martial. If Earl Granville could have destroyed all evidence, his conduct might have been expedient, if not wise, in his own generation. As it was, he only linked himself with crime.

The Earl of Carnarvon succeeded in embittering the relations of the Colonial Office to Sir George Grey. The Governor left him, he said (Dec., 1866), "to learn from the newspapers affairs described by the colonial press as brilliant successes," which, if impugned in England as merciless attacks upon unoffending persons, the despatches afforded no means of explaining. Sir George Grey furnished an explanation. He was hurt by the imputation; "the more so, in my own case, because I can assure you that your Lordship has written under an entire mistake, and

that I have done nothing to merit the censure inflicted on me." In July, 1867, the Earl, in the House of Lords, took occasion to express his "full satisfaction at the explanation," and apologized, not to the Governor, but to his advisers. "I admit my error in this instance, and readily express my regret, because I think now that the words in question were not unreasonably open to complaint on the part of the Colonial Ministers." In November, 1867, Sir George Grey, referring to the Earl of Carnarvon's speech, wrote (to the Duke of Buckingham, Secretary of State) that if those who were at the head of the Colonial or War Departments, misled by secret correspondence, required blind acquiescence in breach of law and regulations, he owed no obedience in such matters, but he owed a duty to the Queen and empire, and it was right to withstand those who committed violent acts, or supported others in them, with a will as strong as their own, not caring what consequences might fall on himself. The Colonial Office did not allow this protest to see the light until 1869.

While General Chute was marching to Taranaki with a detachment of the native contingent, the main body of that force was left to shoot and to destroy in the Wanganui district. Some of them were stationed at Pipiriki, from which a garrison of the 57th Regiment had been withdrawn. Negotiations were set on foot with the hostile Maoris on the river. Pehi Turoa invited a discussion of terms of peace, and Mete Kingi, with 400 men, in 30 canoes gaily equipped, responded to the invitation. The Hau Haus kept faith. After war-dances, speeches, and feasting, it was resolved that perpetual peace should be maintained on the Wanganui river, but that the men of the coast and the men of the mountains should be free to fight, as they listed, elsewhere. In other districts many chiefs declared allegiance to the Queen. At Lake Taupo, where Mr. Meade was so ill received in 1865, all war was at an end, and many leading men volunteered to assist in maintaining order in 1866.

Sir George Grey wrote (February, 1866) warmly in praise of the west coast campaign, and in compliance with request of chiefs determined to visit the interior. His arrival at Napier induced the Hau Haus to surrender their flags, and take the oath of allegiance under the guidance of Te Hapuku and his

brother, who thenceforward discountenanced Hau Hauism. Wairoa, Turanga, Waiapu, and Opotiki were tranquil. At Maketu the gallant Arawa waited to receive and to accompany the Governor. There also he received a message from Te Heu Heu, who, with the chief next in rank to himself, was prepared to submit. They were almost the only chiefs known to be in arms against the Queen, and in the end of March they also submitted, and agreed to accompany the Governor in his progress. At Tauranga there was trouble. The arrangement made by Sir G. Grey in 1864, after the defeat at Te Ranga, was in danger. Unsurrendered rebels protested against it. Those who had agreed to it seemed discontented. A meeting was held, and the Governor's eloquence prevailed. The chiefs thenceforward assisted in carrying out the arrangements. At Hamilton, on the Waikato river, he had an interview with Te Waharoa, on the 1st May. Rewi, he learned, was at Hangatiki, determined never to look upon European face again. The Governor persuaded Te Waharoa to visit Wellington at the next meeting of the General Assembly to give information on Maori affairs. The island was at peace. The Hau Hau fanaticism was not abandoned by all; but its founder, Te Ua, had renounced it as a delusion under which he had fancied himself inspired. He himself attended the service of the Church of England on board of H.M.S. 'Eclipse,' while his former proselytes worshipped around the Pai Marire staff in Maori villages.

Some of these tidings were acknowledged by Mr. Cardwell, but in June, 1866, he was translated to the War Office, and the Earl of Carnarvon ruled in Downing Street. It was not probable that Sir George Grey would receive sympathy. The fact conformed to the probability. The several accessions of the Duke of Buckingham and Earl Granville produced no change. Secretaries of State were weary of Sir George Grey. They suffered from what Mr. Fitzgerald had called the prevailing "Memorandummiad" in New Zealand.

The dispute about retention of troops was destined to encumber the path of many Colonial Ministries. The Weld Ministry survived less than three months after the meeting of the General Assembly in July, 1865, at Wellington, which had become the new seat of government. Mr. Stafford was hostile, but

would not risk a division on the Address. To convince the Maoris of the good intentions of the Government, Mr. Fitzgerald, who, on the resignation of Mr. Mantell became Minister for Native Affairs in August, 1865, with the Governor's sanction published a Maori newspaper. The peace proclamation of September appeared in it. "We must," said Mr. Fitzgerald in the House, "deal with the Maoris as our forefathers were dealt with. We must occupy their finer and loftier characteristics as well as crush what is base and sordid. We have heard how the Christian nations went to fight the heathen, with the cross in one hand and the sword in the other, and we must take that as our guide; the sword to suppress iniquity, the cross to lead to noble aspirations. I have fancied that I have seen only the sword flaming in the air, while the cross was trampled in the dust." Mr. Weld and his colleagues intended to appoint two or three Maori members of the Legislative Council, but the project died with the fall of his Ministry. A word must be said as to the Indemnity Bills passed in 1865 and 1866. Their nature suggests that their framers were well aware of the lawless acts which they were needed to condone. When the Bill of 1865, "for indemnifying persons acting in the suppression of the native insurrection," was sent to England,<sup>1</sup> Earl Carnarvon delayed giving any advice upon it. Another Bill was passed in 1866 by the Stafford Ministry, which was in power during General Chute's devastating march. The Duke of Buckingham announced (15th May, 1867), that the Bill of 1865 would be allowed, but that of 1866 would be disallowed for several reasons. "First, that it was so worded as to indemnify not only civil and military authorities and persons acting under them, or under the authority of the Government, but all and every other person and persons whosoever, who shall have done or ordered or directed any matter or thing to be done, &c. Secondly, that owing to the disjunctive form in which the 2nd and 3rd sections are drawn, the destruction of the property of a person suspected to be concerned in the insurrection would be covered by the in-

<sup>1</sup> Mr. Stafford drew up a minute to accompany the Acts of 1865. Briefly but significantly it mentioned that proceedings commenced and threatened against persons, military and civil, necessitated the passing of the Indemnity Act.

demnity given by the Act, even though such destruction may have been wanton and reckless, and not inflicted or ordered in or about the suppressing or quelling of the insurrection. Thus, if a private individual acting under no authority has wantonly or recklessly destroyed or ordered the destruction of the property of those whom he may have chosen to suspect . . . he would be protected under the terms of this Act, though such destruction in no way directly or indirectly tended to quell the insurrection, and though the person whose property was destroyed should have proved that he was in no way directly or indirectly concerned in it. In my opinion the Act should have been limited in its phraseology to an indemnity for acts ordered or approved by some responsible military or civil authority; and I may observe that in this respect the Act of 1866 is far wider in its terms than the Act of 1865." If the Governor's advisers would limit indemnity to acts done with the view and for the purpose of quelling insurrection, or would pass a measure similar to that of 1865, the Duke would advise that Her Majesty should not exercise her power of disallowance. No graver charge can be made against the public men of the colony than is to be found in the terms of the Bill which they framed to give indemnity to the deeds which they knew to have been done. There was little prospect that the Maoris would seek redress in any colonial court; and the Ministry, unable to obtain the indemnity they desired, accepted that which the Queen would allow.<sup>1</sup>

There was a war of despatches meantime about the retention of troops. Mr. Cardwell cogently, from the first, announced the resolution of the Government as to their withdrawal, and cited the resolutions of the General Assembly on the assumption of office by Mr. Weld. The Colonial Government complained that the inactivity of the General delayed the departure of the five regiments for whose removal orders had been received. The General imputed obstruction to the local government and the Governor. To follow the dispute through all its ramifications would fill volumes. There is no doubt that the General and the Government obstructed one another as to the removal of the troops. They disagreed as to the posts where troops ought to be retained, and disagreement impeded obedience to orders from

<sup>1</sup> Act No. 39; 10th October, 1867.

England. In April, 1865, the Governor and his Ministers astounded the General by urging the withdrawal of all Imperial land forces. In May, the General suggested withdrawal of regiments in a manner to which the Governor with concurrence of his Ministers objected. The House of Representatives when Mr. Stafford was Premier (28th October, 1865), resolved: "That this House, without reference to the general policy of retaining the Imperial troops in the colony, and without admitting any pecuniary liability to the mother-country on that account, desires to record its opinion that under the circumstances stated by his Excellency in the printed papers laid before the House, and especially having reference to the long inaction of the Imperial troops in the immediate neighbourhood of the Weraroa pah prior to its capture, his Excellency exercised a sound discretion in the course he adopted in protesting against the proposed removal of a certain number of the troops in May last, on the occasion when they were proposed to be removed by the General." The history of the time may be read between the lines of this resolution,—moved by Mr. Stafford in the first instance, but amended by Mr. Sewell (a late colleague of Mr. Weld), who added the justificatory reference to the inaction before Weraroa. Swelling with independence, yet staggering under financial distress; resenting the imputation that they craved military aid to enable them to confiscate Maori lands, and yet loth to part with the soldiers; shuddering at the atrocities of the Hau Haus, and wondering that their countrymen in England did not make it an Imperial duty to stamp them out,—instead of haggling over payment for each man, and keeping a debtor and creditor account of all stores consumed,—the colonists of 1865 needed pity, and would have deserved sympathy if the great crime at Waitara, the origin of their woes, had not been their own act and deed, set in motion indeed by a Ministry, but adopted by the General Assembly.

A matter which Lord de Grey rated as one of profit and loss roused indignation. Major Heaphy of the Auckland Militia was recommended as worthy of distinction. General Cameron and Colonel Havelock had in 1864 been loud in his praise; the former hoping that the Victoria Cross might be awarded to him. Not content with deciding that the Royal Warrant limited the

distinction to officers of the regular forces, Earl de Grey, as if studious to offend, added that the Queen's troops had no chance of receiving that substantial reward in land or otherwise which was open to servants of the Colonial Government. Mr. Weld retorted that the devotion of a colonist was as honourable as that of others, and that when debarred from distinction which only his Queen could confer, his sense of pain was unnecessarily embittered when terms were used which indirectly charged him with sordid motives. Earl de Grey, hardly comprehending the loyalty appealed to, was perhaps insensible to rebuke. In a few years he showed the value of his own patriotism by subjecting himself to a foreign yoke; and those whom he had insulted might rest contented in the belief that he had been incapable of understanding the true honour of an Englishman. To do him justice, it may be added that he was sufficiently acquainted with good manners to apologize for the language which elicited Mr. Weld's censure.<sup>1</sup> At a later date, January, 1867, a Royal Warrant ordained that the Victoria Cross should be receivable by colonists or others serving with the regular forces, and Major Heaphy received his reward. The absence of rewards in shape of land-grants to Imperial officers, on which Earl de Grey remarked, was amusingly illustrated in 1866. The Colonial Government proposed to confer a grant of land on Dr. Mouatt, an Imperial officer, who had for some time controlled the local medical staff. The principal commissariat officer thought that he too ought to receive a grant, but the Ministry could not recognize his claim. Forthwith he wrote strong but secret complaints to the War Office against the general management of affairs by the Colonial Government. Mr. Stafford coupled this secret zeal with the rejection of the application for a land-grant, and Sir George Grey demanded that all such applications should be made through the Governor of a colony, as had been the custom in former time. The commissariat officer endeavoured to shelter himself behind a plea that he had made no formal

<sup>1</sup> Mr. Weld was ill at the time. The Under-Secretary, Gisborne, drafted the minute. Mr. Weld was loth to appropriate as his own, another man's production, and wished Mr. Gisborne to sign it, but yielded to the argument that as the minute was to be sent to England it should bear a Minister's name. At the present time it is permissible to record Mr. Weld's fine feeling.



application, but "joined in giving expression to a very general opinion that if Dr. Mouatt received a reward, the head of the commissariat ought to be similarly treated." The fact that when the reward was not given secret charges were conveyed to England, in the manner so often complained of, justifies a reference to the circumstance, which in itself is unworthy of record.

The Aborigines' Protection Society urged Mr. Cardwell, in May, 1865, to despatch Commissioners "to investigate all questions connected with native policy." From Hauraki (the Thames) and from Horotiu (Waikato), Maori letters had reached the Society—urging cessation from war, and abstinence from confiscation. "Hearken! All the Maoris are agreed on these two points; for the blood of the Europeans is shed in his money, but as to the blood of the Maori it is shed on his own land." Mr. Cardwell declined to intervene, but the letters were published in the colony with his despatch to the Governor. The petitions had been translated by Mr. C. O. Davis. Those who desired to trample on the Maoris endeavoured to wreak their vengeance on him. They caused him to be prosecuted in 1865 for publishing a "seditious Maori pamphlet," and for libelling the loyal Arawa. The trial lasted several days. Bishop Selwyn was called as a witness to testify to the probable effect on the Maori mind of the published libel. Maori witnesses were also examined. Davis was acquitted. A similar subject cropped up in the English press at the same time. Mr. Fox, who was writing a book about the war,<sup>1</sup> challenged the Secretary of the Aborigines' Protection Society to produce an address to the Maoris which the Society had sent to the colony. Mr. F. W. Chesson published it with a letter to the 'Times' in which he said: "A politician like Mr. Fox—who after vehemently denouncing the Taranaki war in opposition, became the fierce supporter of an equally iniquitous war when he crept into office—and who after filling a blue-book with his miserable wranglings with the Governor and seeking to initiate a general policy of confiscation which would have added tenfold to the horrors of the struggle, was compelled to give way to a better man,—is not exactly the kind of person who can afford to make charges, or to cast imputations upon even the Aborigines' Protection Society." The address in question besought the

<sup>1</sup> 'The War in New Zealand.' W. Fox. London: 1866.

Maoris to be counselled by Sir William Martin, Bishop Selwyn, Archdeacon Hadfield, and other real friends. To this, perhaps, no objection would have been made if it had not been known that in the teeth of their denunciations of its injustice, Governor Browne and his Ministry, and the Duke of Newcastle, had plunged into the Waitara war. But there were other passages which found no favour. Various newspapers attacked the address. A sentence in the 'Times' will be sufficient to show their tone. "It is a monstrous piece of extravagance to say not only that these savages have an indefeasible title to all the soil of New Zealand, but that they ought to be maintained in possession of it for ever, to the obstruction of all colonization. Such a proposition needs no contradiction." The 'Times' was thoroughly understood by its friends in New Zealand. The 'Wellington Independent' declared (Nov. 1865): "England benevolently tells us through despatches, by the voice of Parliament, and in the columns of the 'Times,' that we may exterminate the natives as soon as we please." The Maoris were not forgotten in the New Zealand Assembly. A Native Rights Bill was passed to remove doubts as to their position as British subjects. The Native Lands Act of 1862 will be remembered as having been passed by the Domett Ministry in a different form from that desired by Sir G. Grey. The proceedings of the Land Court, in ascertaining titles, required confirmation by the Governor; and in 1862 the Duke of Newcastle, professing confidence in the Governor, sanctioned the Act, which was only to come into operation in districts proclaimed by him. By the Native Rights Act of 1865 the ancient custom and usage of the Maori people with regard to title or interest in land was preserved, and the Supreme Court was bound to refer questions of Maori title to be tried in the Native Lands Court. One great work of the Session was the creation of the Court over which Mr. Weld had asked Mr. Fenton to preside. The Native Lands Act 1865, amended and consolidated the laws relating to lands where Maori proprietary rights remained. There was to be a Chief Judge. There was to be other Judges and Native Assessors. Like the Act of 1862, it recognized the right of natives to sell direct to Europeans, and thereby departed from the treaty of Waitangi. The shattered Maori rights were to be readjusted, not completely

but partially. Certain powers of co-operation with the Native Land Courts were reserved for the Governor, the juries were to be composed of Maoris or Englishmen, and the Supreme Court was bound to receive as authoritative the decision of the Land Court. The Judges were to hold office during good behaviour and not at pleasure of the Governor in Council. Mr. Mantell must be mentioned as having taken an honourable part in the preparation of this Act, which when he retired was ably conducted through the House by Mr. Fitzgerald. To Mr. Weld also is due the tribute that under his Ministry the Bill was prepared by Mr. Fenton, whom Mr. Weld selected for the critical post of Chief Judge. To the Native Lands Act Mr. Fenton (the Chief Judge), the Pakeha Maori (Mr. Maning, who was appointed Judge), and many others, ascribed an advance towards confidence and contentment on the part of the Maori race as gratifying to their friends as it was surprising to their enemies. It was the fruit of much care. The Native Minister and the Attorney-General (Sewell) had wisely taken counsel with Sir William Martin before introducing it. That good man's efforts did not cease with the passing of the Act. When, at the close of the session, Mr. Russell became Native Minister under Mr. Stafford, Sir W. Martin put forward his views in a manner which excited the admiration but did not evoke the help of Mr. Cardwell. War should be terminated on terms of cession, not seizure, of lands. Until there were Maori Representatives no Bill affecting Maoris should be brought forward before a draft had been circulated in every district which had accepted English rule, and time had been given for petitioning. No Act affecting Maori land tenure should be brought into operation until the Royal Assent had been obtained and notified in the colony. The Public Works Lands Act, and Outlying Districts Act, should not be brought into operation. The latter might be tyrannically abused. When a supposed criminal had not been surrendered, lands could be seized. "Could this appear to the natives anything but a device for getting land?" Under the former, land could be taken for public purposes without compliance with the equitable provisions which in England were a security against wrong. Mr. Russell "regretted much to find his views opposed to some of those of so good and able a man as Sir W. Martin";

Sir George Grey lauded the humanity of public men and the forbearance of the General Assembly in dealing with Maori rights; Mr. Cardwell<sup>1</sup> declined to assume the responsibility of desiring that all Acts affecting the natives should be reserved for the Queen's pleasure, and Sir William Martin's paper remains to excite wonder at the minds which could be opposed to his reasoning. While Mr. Cardwell was in Downing Street there might be hope of justice. In October, 1865, he had written that native affairs were "not placed in the hands of the Local Government in any other sense than that in which the affairs of the settlers themselves are so placed, and that in cases touching the honour or interests of the Crown, the adherence to treaties entered into by Her Majesty, and other matters of an analogous kind, the Royal power of disallowing Acts is no more abandoned in the one case than the other." But who could guarantee Mr. Cardwell's continuance in office? He had succeeded a Newcastle, and might give way to a Buckingham or a Granville. The New Zealand Settlements Act was again dealt with. Amended in 1864, it still displeased Mr. Cardwell, who, though he abstained from causing inconvenience by immediate disallowance, and trusted to the Governor's discretion in administration, considered the Act of 1864 unsatisfactory, and held the power of disallowance in case of need. He desired that the compensation to be given to dispossessed natives should depend on judicial decisions, and be independent of the concurrence of political advisers "reflecting the popular opinion of the moment." The renewal of 1865 made the Act perpetual, but fixed the 3rd December 1867, as the time when the power of the Governor to proclaim districts, and reserve for settlement lands forfeited for insurrection, should cease. A Native Commission Act (1865) was passed

<sup>1</sup> Mr. Cardwell (26th April, 1866) read Sir W. Martin's letter with great interest, and doubted not that the "forethought exhibited" would secure for it the consideration it "eminently deserved." But Her Majesty's Government were "not of opinion that the Home Government could profitably assume that responsibility, or require that delay to occur which would be involved in Sir W. Martin's proposal that Acts affecting the natives should be reserved for the signification of Her Majesty's pleasure." But the Constitution Act of 1852 (15 and 16 Vict. cap. 72) distinctly preserved a power for the Crown to guard the natives from wrong; and the Queen was pledged to the treaty of Waitangi.

as a preliminary step towards conferring on the Maori race all rights and privileges of British subjects. Mr. Weld introduced it. Alluding to the exploits of Mokena Kohere, he said: "No words of his could express too strongly what they had owed to the loyal natives." The Native Lands Act was hailed by Mr. Cardwell with pleasure. The Outlying Districts Act, and the amended Settlements Act, were not disallowed at once; but as they were capable of abuse, the power of disallowance was held available. On the general tendency of the legislation on Maori interests, Mr. Cardwell warmly congratulated the colony.

Early in the session (9th August), Mr. Graham presented a petition from Waharoa, praying that a Commissioner might be appointed to investigate the cause of the war. Mr. Brodie had a notice on the paper condemning the receipt of communications or petitions from natives in rebellion, and Mr. Graham's motion for the reception of the petition was discussed. Mr. Brodie (9th August) denounced its reception, and reprobated Mr. Graham's communications with the rebel chief or rebel race. Mr. Weld entreated the House not to repel the Maori when there was a glimmering of brighter days. Though the language of the petition might be irregular, surely it might be borne with. At least, let the House, "before striking, listen." Mr. Fitzgerald supported the reception of the petition. When it spoke of Rangiriri as a murder, its language was poetical. Mr. Stafford thought it would be a grievous error to make the petitioner think that Maoris had "nothing to expect from the sympathy or justice" of the House. Mr. Brodie's motion was lost, on division, by 16 votes against 2. On the following day the petition was received. Waharoa's words were heard. "Mr. Fox and his friends have written to Queen Victoria words damaging to my reputation, hence my desire that the whole matter may be seen into, so that it may be found who is right, and who it is that is wrong. Let it be for the law to determine. I agree that some Englishman be appointed as arbitrator—that is to say, if he is an Englishman of good principles, single-hearted, God-fearing, and fearful of doing wrong. I consent to point out an arbitrator." He would name Sir George Arney, the English Chief Justice. He would abide by the arbitration of any one chosen by the Queen. He recited his efforts for peace. "Did the law protect

Te Rangitake and Waitara? Did a law protect us, our lands and property, at that time? Were the Europeans whom the Governor sent to this island—Europeans who drink spirits, curse, speak evilly, who make light of those in authority,—were these a law? Then did I say, Let me set up my king, for we do not approve of the law. But now, O friends, the law of the Queen is the law to protect my king and the whole people also.” . . .

Sixteen members voted against the reception of a letter called a petition written by Te Waharoa, in April, before his submission. In it he denounced the conduct of the war. “Look also,—Maoris have been burnt alive in their dwelling-houses.” From a Maori point of view, he argued that the war in Waikato had been unjust. Twenty-seven members decided to receive this document also, and among them were the influential names of Messrs. Dillon Bell, Carleton, Domett, Fitzgerald, Fitzherbert, Graham, Colonel Haultain, Monro, Sewell, Stafford, and Weld. But though they had qualms of conscience with regard to the treatment accorded to Te Waharoa, neither they nor any men in power in New Zealand ever would consent to submit to arbitrament of reason or law the questions he propounded. Nevertheless, something was gained in the cessation of violence. Amongst other proofs of confidence, returns were laid before the Assembly, showing that the number of grants from the Crown to Maoris was rapidly increasing. More than a hundred were in course of preparation at Canterbury alone. It was but a beginning; nevertheless, with cautious kindness on the part of the Government, much might flow from it.

A complicated dispute about a block of land at Manawatu was vainly thought settled to the satisfaction of the natives. The Ngatiraukawa and Rangitane tribes on one side, the Ngatiapa on the other, had almost been at war. Dr. Featherston interposed, and battle was averted in 1865, but the dispute was to be a cause of future dangers. On the 9th August, Mr. Fitzgerald presented a petition from natives at Otaki. They hailed a suggestion made to them by him, and asked that Maoris might sit in the General Assembly. Subsequently the same tribe petitioned that the Maoris might elect representatives to sit on the Commission to be appointed under the Native

Commission Act. Mr. G. Graham vainly endeavoured to incorporate with a general Representation Bill special provision for conferring the elective franchise on Maoris. Mr. Fitzgerald had at the time a notice on the table to provide for special Maori government in the northern districts, but the House was satisfied with neither proposal. Mr. Vogel became the mouth-piece of malcontents, and moved, on the 12th September, that the House had no confidence in the Native Minister (who was thus attracting the goodwill of Maoris), but the motion was negatived without a division. After the retirement of the Weld Ministry, in October, another proposal by Mr. Vogel was brought forward. Each province was to preserve order, subdue its own Maoris, and "enjoy the proceeds of the confiscated lands" it might take from the natives. After discussion this premium for robbery was withdrawn.

When (2nd September) the proclamation of peace was issued, Mr. Colenso made (14th September) a motion condemning omissions from the list of the unpardoned; but in a fuller House the resolution was rescinded on the motion of Mr. Weld. The Prince's Street reserve at Dunedin was the occasion of his losing friends. Mr. Mantell, it may be remembered, had denounced the attempts made to break faith with the beneficiaries under the reserve. Mr. Weld (on an Otago Native Reserves Bill) voted on the side of justice. He was warned that he would lose supporters, and he lost them. Yet the amendment which the majority rejected, and the Government supported, sought to refer the matter to the Supreme Court. When Mr. Fitzgerald tried to introduce a Bill to authorize suitable government in Maori provinces in the Northern Island, the question was shelved for six months, and the Government was evidently failing in strength. Mr. Fox had resigned his seat in May, declaring that it was useless to strive to do good while Sir George Grey was Governor. But though freed from the opposition of Mr. Fox, the Ministry was unsafe. Mr. Stafford was on the watch to overthrow it. Mr. Vogel, in September, on a motion adverse to the financial policy, had found a large following in objecting to fresh taxation until a new Parliament could be convened. He said in a pamphlet, that New Zealand "traded on its weakness in asking England for help." The 'Wellington Independent' called his statement



“a slander worthy of its author.” The propositions of the Treasurer, Mr. Fitzherbert, involved an expenditure of more than £1,500,000. Increase of customs duties and imposition of stamp duties were asked for. It was proposed to repeal the Surplus Revenue Act of 1858, under which sums were disbursed to the provinces; and to give aid, if at all, by annual votes. Each province enjoyed by law the whole of its territorial revenue. But to encroach on provincial privileges was dangerous, and murmurs loud and deep abounded amongst the members. It was resolved to fight to the last against the encroachment. The strife culminated in October. The Surplus Revenue Repeal Bill awaited a second reading. The Stamp Duties Resolutions had, on the 27th September, been carried by a bare majority in a house of 42 members. On the 10th October, the Government referred them back to the Committee of Ways and Means, but only succeeded in doing so by the aid of the Speaker's casting vote, in a house of 40 members. Provincial jealousy diminished the scanty adherents of Mr. Weld still more on the 11th October, when, on a motion by Mr. Vogel,—“that in the distribution of the provincial revenue the stamp duties be placed on the same footing as the customs duties” (of which three-eighths fell to the share of the provinces), the Treasurer had only 16 supporters. Though the Speaker, on constitutional grounds, gave his casting-vote against a resolution which, without a recommendation from the Crown, appropriated revenue by anticipation, Mr. Weld accepted the result as a practical defeat. He had declared that the question was vital, and the division indicated an absence of “that hearty support which would alone justify” Ministers in adhering to their responsibility in the critical condition of affairs, and which would guarantee success in their “policy of self-reliance and self-defence.” To the Governor he expressed their “deep sense of the cordial co-operation always afforded them during their term of office.” In the name of the provinces, which he was afterwards to be the chief means of destroying, Mr. Vogel extinguished Mr. Weld. But as yet he was pulling chesnuts out of the fire for others. Mr. Stafford carried off the spoils. Mr. Weld's friends vainly entreated him to remain in office. Public meetings were held, and there was general discontent at the prospect of a Stafford Administration

Some to whom he applied for assistance declined to serve with him. Mr. Crosbie Ward, an old colleague of Mr. Domett (although in controversy with Mr. Weld at the time), was proof against all entreaties, and Mr. Stafford was fain to patch up a Ministry in which he held three offices, while Messrs. Haultain, Russell, and Paterson, held the remainder. The Representatives deemed themselves entrapped into sanctioning an Administration controlled by Mr. Stafford.

Mr. Weld, though in ill-health, addressed the electors at Christchurch. The Town-hall was crowded to excess. It was resolved that he was the most fit person to represent Christchurch. He accepted the invitation, and wrote a farewell address to his constituents at Cheviot. But in January his medical advisers forbade a continuance in public life; and hoping that his "errors of judgment or temper might be forgiven," and fervently thanking his friends, to whom he confidently left the trust of his political honour, and the triumph of his principles, he passed from the parliamentary arena of New Zealand. His self-reliant policy elicited compliments from the London 'Times,' and from public men. Mr. Cardwell, in December, 1865, specially impressed upon Sir George Grey that the Home Government having accepted that policy as embodied in the New Zealand resolutions of December, 1864, intended to adhere to it. When his despatch was published in New Zealand, the 'Canterbury Press' (25th April, 1866) declared that the deserted Mr. Weld was stronger than his treacherous supporters;—"he is driven from office but carries his policy. Mr. Stafford holds office but abandons his policy; all that he opposed is carried; all that he proposed is abandoned." Mr. Fitzgerald also disappeared from New Zealand Cabinets. A letter from him to Sir C. Adderley<sup>1</sup> may properly be cited: "I venture to think that during the two months I held office the colony has asserted some of the most important principles which lay down fixed bases for the guidance of our future policy. A Bill for enabling the Governor to appoint a Commission of Natives and Europeans to inquire how the natives may best be represented in the General Assembly, shows how widely the feeling of the colony has changed since 1862, when, amid general

<sup>1</sup> Published in the London 'Times,' 20th December, 1865.

laughter, I first proposed the adoption of this principle. A Bill of still greater importance has declared that all Maoris are British subjects, entitled to all the privileges and protection of British law; and as a great practical result it enables a Maori to bring an action into the Supreme Court, in respect to native lands. The monstrous doctrine that the Maoris were compelled to obey the law, and could be tried and executed by our courts for crime, while at the same time we refused them the assistance of our courts to defend their property, is now, thank God, for ever<sup>1</sup> expunged from the jurisprudence of this colony. We have, then, constructed an elaborate machinery for trying cases of native title to land by a Native Lands Court, and enabled the Supreme Court to use this machinery by sending down cases to it for trial." A Police Bill which authorized the taking of lands from a tribe which might shelter a murderer would provide necessary police funds. Summing up what had been done, the writer added: "These are measures which I am very glad to have had some share in during the short time I have been in office, and which, if faithfully carried into action, will, I believe, change the whole features of the Maori question." Men who carried such measures had a right to exult in the change. The student of history must remember that Sir William Martin, who was consulted in their preparation, had cried vainly for some such measures in the past, when no man in office would regard wisdom. Mr. Fitzgerald did not retire from the political arena. He stood for Christchurch, and vigorously assailed Mr. Stafford's Ministry. It is impossible to refrain from quoting sentences which bear upon the Waitara war. He had never differed from Mr. Weld except on the Waitara question. He had "distinctly one view, and I took distinctly the other. I devoted myself with no ordinary amount of labour to master that great question; for I saw that it was the great question of New Zealand. . . . I read and studied every paper . . . and I came to the conclusion . . . the more honest that it involved a separation from those whose opinions I valued more than those of any men in the colony . . . that the Waitara purchase was a

<sup>1</sup> Mr. Fitzgerald can hardly be blamed for not foreseeing the violence done and the justice denied to Maoris by the New Zealand Government in 1881-2.

bad one; and secondly, that even if it were a good purchase it was one for which it was extremely unwise to plunge the colony into war.”<sup>1</sup> The meeting resolved unanimously to send “the first orator of New Zealand” to the Assembly. Mr. Stafford’s course was troublous when he took office. Rumours were rife that he had obtained a promise of a dissolution, whether supplies were granted or not. Mr. Fitzgerald brought the question before the House. Another of the Weld Ministry, Mr. J. C. Richmond, put a similar question in the Council. Colonel Russell replied, that “No proposal was ever made by Mr. Stafford to his Excellency to dissolve the Parliament before the supplies were asked for.” Thereupon a statement from Mr. Pharazyn was produced, declaring that after he had positively refused to accept office, Mr. Stafford said, “he wished it to be generally known, that under no circumstances could the House turn him out, as in the event of a refusal to grant supplies, he had the power of dissolving without this having been done, and was determined to use it and appeal to the country. He did not wish to use this as a threat, and it would be highly improper to make the statement in the House, but he wished Mr. Pharazyn to make his determination known, in order to prevent factious opposition.” The statement was entered in the Journals, and communicated to the Governor, as materially affecting “the principles upon which the Government of the colony is established.” Indignation was fruitless. Unprepared for consequences, a majority had weakly deserted Mr. Weld in haste, and was compelled to repent at leisure. The Governor signified his acquiescence to the making of any explanation which his advisers thought proper; but his advisers were content with their seats. Mr. Sewell, in Committee, inserted in a Bill to control public expenditure, a clause imposing penalties upon any member of the Executive Council advising, or threatening to advise, during a session, prorogation or dissolution of the Assembly while supplies were unprovided, but on the following day, when some of Mr. Sewell’s friends were absent, the

<sup>1</sup> Mr. Fitzgerald said : (Had our Native Lands Acts been) “law during the Waitara purchase,—if Te Rangitake could have gone to the Supreme Court to try his case, there would have been no need of war. We should have saved millions of money.” (The meeting cheered him.) But the lives!

noxious clause was struck out, and Mr. Stafford remained master of the situation when the Assembly was prorogued on the 30th October.

Separation of the islands into two colonies had been seriously discussed. In September, Mr. Russell moved that existing liabilities should be equitably adjusted, and Cook's Strait be made a boundary between two separate colonies. Mr. Weld opposed, and the motion was rejected by 31 votes against 17. From Auckland a petition to the Queen signed by nearly all the European settlers had prayed that a separate colony might be created there. The Weld Ministry strenuously opposed this project, and sent a counter-petition from Hawke's Bay where the inhabitants unanimously differed from their Auckland brethren. Sir George Grey had hinted that some arrangement by which the Imperial Government could exercise control over native affairs in the north until a reconciliation could be effected between the two races seemed essential. His advisers did not agree with him. The north was ill-pleased with the results of the session of 1865. The Provincial Council protested against the new Electoral Act which gave a majority to the south in the House of Representatives. A similar majority existed in the Council. Auckland prayed that it might "no longer be subject to southern legislation." The southern colonists were "practically not liable to military service," not exposed to danger, and being "ignorant of native affairs," might afflict the north with war. Mr. Whitaker, elected Superintendent of the province in 1866, sent a special petition to the Queen at a later date, but Mr. Stafford was as hostile as his predecessor, and Mr. Cardwell held out no hope to the Provincial Council. In a tone almost complaining he said it was "no easy task to retrace the steps" deliberately taken in establishing the existing Government. An ineptitude, rare in his despatches, suggested that local legislation might meet the emergency. Auckland was like a lamb remitted to question with the wolf. The English lion was weary of blunders some of which were his own. No folly is more conspicuous than his who thinks that power over other men's fortunes will willingly be resigned. Yet men continually hug the belief that they can hoodwink crowds, and seduce them into acts which would be like loosening the fastened fangs of a

wild beast. The north was powerless. But the south was only entering upon the heritage which numbers gave it. It complained that it was dragged behind the car of Auckland necessities. In an elaborate address to his Dunedin constituents in 1866, Major Richardson (Mr. Weld's recent colleague) declared: "The fact is that the south has been bound over hand and foot to colonize Auckland." The expectant south had not long to wait.

The Hokitika gold-fields had been discovered early in 1865. The sceptre was passing into the hands of the gold-seeking adventurers, who had flocked from Australia to the Middle Island; and already one of them was scenting his prey, although Mr. Stafford had not included him amongst his colleagues in 1865.<sup>1</sup> There was a "Northern Association of New Zealand" Committee in London which strove to strengthen the hands of the Auckland secessionists; but Mr. Cardwell gave them no heed except by rebuking their vehemence. Mr. Stafford had not allowed the session to close without laying down principles to control the Auckland territory. As adopted finally they asserted that, subject to certain conditions, the confiscated lands in the province should be transferred to the provincial administration for purposes of colonization. The General Government retained control in settling the loyal natives, and those who might "desire to accept the Queen's authority and take grants from the Crown." The province was to be liable for all sums expended for its advantage under the New Zealand Settlements Act. After discharging such liabilities, the province was to pay to the General Government, out of the proceeds of confiscated lands, 2s. 6d. per acre, and was to provide all compensation awarded to natives (by the Compensation Court) under the

<sup>1</sup> Mr. Vogel, in December, 1865, proposed a characteristic plan for dealing with "the magnificent land acquired from the natives"; viz. to submit to a lottery a million of acres, valued at £2 an acre. There were to be 6121 lots, varying from one of 100,000 acres to 4200 of 50 acres. The profits of the raffle were to be expended on immigration, and 18,870 steerage and 170 cabin passengers were expected. "Winners of land not using their privileges" within a time to be stated were to forfeit them. Though the plan reeked of an atmosphere to be found between Shoreditch and Whitechapel, the immigrants were to be moral, the "settlements model," and no difficulties were anticipated with the Maoris.

Settlements Act, or required to compensate Auckland settlers for losses in the war. Further, the province was, after recouping the sums spent by the General Government on military colonization and Waikato immigration, to "engage to spend" the whole of the receipts "from confiscated lands in colonizing and otherwise for the general advantage of the confiscated districts." Auckland did not accept these terms without negotiation. In January, Mr. Whitaker extracted from Mr. Stafford a promise to invite the General Assembly to raise £250,000 as a loan to the province to enable it to undertake the cost of colonizing the confiscated lands, and in February, 1866, the Provincial Council on the recommendation of Mr. Whitaker concurred with the proposed terms. Amidst the melancholy proofs of the folly as well as wickedness of the act at Waitara, returns showed that in 1864 more than 130,000 acres were sold in Wellington, nearly 60,000 at Hawke's Bay, and a like number in Auckland, while in the Taranaki province there had been no sale at all. The Council had (25th October) in spite of ministerial opposition remonstrated against the retention of the Imperial troops at the rate of pay (£40 per man) sought to be imposed. A colonial force would be more effective, and Great Britain would be relieved from a useless expenditure. Mr. Stafford was unwilling to attach importance to the remonstrance. He assumed a virtue in not having by new creations swamped the majority in the Council. A Representative Bill had been passed, a new Parliament was to be assembled, and he submitted to the Governor that all the arrangements which he found in operation on accepting office ought to remain undisturbed. He declared that the colony was as incapable of raising the force contemplated by Mr. Weld as it was of paying the "£40 a-head demanded in respect of the Imperial troops," and this ominous declaration was transmitted to England to intimate that the colonial contribution would be made a matter of dispute. The work of the troops was done. They had conquered Waikato, and could be dispensed with. The 'Wellington Independent' (18th November, 1865) did not hesitate to say: "Mr. Stafford's policy is to back up the Governor in keeping the Imperial troops as long as possible, and ultimately to refuse to pay for their services." When Mr. Stafford took office the return of one



regiment had been arranged, and four others were sent away, at intervals, in 1866. Despatch after despatch from England complained of the delay. Early in 1866 the current of thought in New Zealand concerned itself chiefly with the correspondence about the withdrawal of troops and financial affairs. War was virtually at an end, but the cost of it was draining the resources of the colony. The withdrawal of the troops would diminish the private gains which accompany the supply of provisions and stores of an army. The quarrel between the Governor and the General was still furnishing occupation for talkers, and filling reams of despatches. It is necessary to bear in mind that till the new Parliament assembled in June, 1866, all minds were intent mainly on these topics. In January, Mr. Stafford elaborately described the state of the colony. The ordinary revenue from all sources was £738,000.<sup>1</sup> The estimated expenditure was £1,121,000 for the year. Resort was made to the loan to supply deficiency of revenue. Native wars were responsible for £3,396,000. The balance estimated to be due to the Imperial Government was £503,000. The sums due for advances from the commissariat chest were large, and there was a dispute as to the amount. There were counter-claims also for advances from the Colonial Treasury for Imperial purposes. On the suggestion of the Treasury, Mr. Cardwell advised that an officer should be appointed in the colony to examine the accounts with the Commissary-General, Mr. Jones. To the assumption that the £500,000 in colonial debentures could be handed at par to the Imperial Treasury, Mr. Cardwell would by no means agree. The debentures were in the market "at a discount of nearly 20 per cent." Nothing seemed to be touched in New Zealand which was not a fruitful source of disagreement. When Mr. Cardwell, in November, 1865, received the peace proclamation of September, and the financial statement of Mr. Fitzherbert indicating that the capitation charge of £40 for each soldier would not be proposed to the Assembly, it was at once ordered that the troops in the colony should be reduced to three battalions of Infantry and one battery of Artillery, and these were only to remain on request of the Colonial Ministry and provision for the local capitation charge.

<sup>1</sup> Only sums exceeding £1000 are included in these figures.

They were not to be employed in protecting land taken from rebels, nor to be left in distant and isolated posts. When Mr. Weld's resignation was announced, Sir George Grey was emphatically informed by Mr. Cardwell that no change of Ministry would affect the decision of the Home Government. The correspondence respecting the Weraroa pah and General Cameron exacerbated the instructions on the removal of troops; and when in the end of 1866 the Earl of Carnarvon endeavoured to intimidate the Governor, the confusion into which affairs had been thrown could hardly have been more confounded. The wrongs of Te Rangitake in 1860 had been bitterly avenged upon the colonists, who had been plunged into the Waitara war by the Stafford Ministry as light-heartedly as the French were ushered into the Franco-German war in 1870 by Emile Ollivier. Among the matters for which Mr. Weld's Government took credit in the session of 1865, was the arrangement of terms for conveyance of mails by Panama. A foolish jealousy has sometimes beset the Australian colonies on this subject. Instead of determining that mails from Europe shall be brought by that which is, on the whole, the most regular and economical conveyance, they have vexed themselves and the postal authorities in England by struggling to obtain the sentimental "mana," or importance of having the terminus fixed at their capitals. For New Zealand there was some excuse, as her easterly position made it probable that letters carried through America from England would arrive in less time than those taken by Suez. Mr. Weld incurred disfavour at Auckland by fixing the port of call at Wellington, but he gained approval at Otago which was brought closer to the coveted privilege.

Early in 1866 writs for election of a new House of Representatives were issued by the Governor. The old names notable in New Zealand reappeared among the three-score-and-ten members, on the 30th June. Sir David Monro, member for Cheviot, again became Speaker. The questions of war and finance pervaded the Governor's speech. Disturbance was almost at an end. Remnants only of hostile bands were at large on the west coast. Some of the ringleaders captured had been "temporarily removed, in 1866, to the Chatham Islands," and "the hope of return was held out to them as soon as the

suppression of the rebellion and their own good conduct might seem to justify the Government in restoring them to their homes.”<sup>1</sup> Murderers had been dealt with by the ordinary tribunals. The majority of the captives had been restored to liberty. The troops were in course of removal, and there were districts for which the Assembly would have to provide force sufficient to maintain Her Majesty’s authority. It had been found necessary to appoint a Commission to report on the Civil Service. The tariff was to be revised, and stamp duties—the test which had been fatal to Mr. Weld—were to be imposed. Several new members had been appointed in the Legislative Council, which was thereby enlarged to thirty-five members. With a few amendments in the Council, and with none in the Lower House, the friends of the Ministry carried addresses in reply to the Governor’s speech, and Mr. Stafford was firmly seated if not entirely trusted. His manœuvres in 1865, and his assumption of virtue in not having overborne, by new creations, the majority in the Council, were not forgotten. Colonel Whitmore carried, without a division, a resolution that the number of members in the Council ought not to exceed thirty-eight, with a proviso that once, nevertheless, during a session two additional members might be appointed to represent a Government. Subsequent vacancies by death or otherwise were not to be filled up, except to maintain the normal number. A Bill to give effect to this resolution was passed, and sent to the other House. There it encountered the jealousy which springs from self-worship. Though read a second time it was strangled in Committee; a majority, which in justice to the House must be admitted to contain no names of repute, determining to report progress without asking leave to sit again. A ludicrous proposition was made by Mr. Vogel, viz. that after repeated disagreement about a measure, the Governor might summon to the Council the Representatives, who were to be competent to pass the disputed measure—but to be otherwise powerless when seated amongst their victims.

It may be assumed as a fact, recurring with almost the regularity of physical laws, that inferior minds in one house will

<sup>1</sup> Speech of Native Minister (A. H. Russell) in Legislative Council, 26th July, 1866.

view with disfavour whatever tends to strengthen the position of the other. As the power of the purse of itself gives predominance, and as it is, in all imitations of the British Parliament, placed chiefly in the hands of the House which most largely represents ignorance, it follows, almost as night the day, that the power will be sought to be abused, if not converted into tyranny. In quiet times the salutary influence of a Governor may secure serious consideration in appointing senators for life. When pressure comes he cannot, without locking the wheels of the State chariot, bring influence to bear.

There was warrant for Colonel Whitmore's caution. Already Sir John Young (afterwards Lord Lisgar) had, in 1861, consented to overbear the Legislative Council in Sydney by a wholesale creation of members. Circumstances over which neither he nor his Ministers had control doomed his disorderly procedure to failure, but with the rapidity with which discreditable doings in one colony are proverbially heralded in another, the daring act attempted in New South Wales had been bruited in New Zealand, and it was natural that securities should be demanded against similar violence. That they could not, even in placid times of legislation, be obtained, furnished a warning to all who are inclined in weak moments to subject themselves to the possible tyranny of others. Mr. Stafford was not confronted by serious opposition in the Council; but on the 15th August the Representatives, by 47 votes against 14, resolved that his Ministry did not possess their confidence. He was less sensitive than his predecessor, and being again entrusted with the task of forming a Ministry, resorted to the device of securing Mr. Fitzherbert as Treasurer on the 24th August, 1866. Nor was Mr. Weld's Treasurer the only one of Mr. Weld's colleagues who enlisted under Mr. Stafford. Major J. L. C. Richardson and Mr. J. C. Richmond accompanied him in his return to the piebald Ministry which Mr. Stafford thus created, and which contained active members of the conspiracy which defrauded the Maoris of their reserve at Dunedin. A former colleague of Mr. Weld was still discontented with the guidance of Mr. Stafford. On the 24th September, Mr. Fitzgerald moved resolutions which, while reaffirming the resolutions of December, 1864, on the duty of the colony as to internal defence, declared that the whole of

the military should be under the control of the Civil Government, and that its duties ought not to be measured by the amount of military force which the Home Government might choose to maintain in the colony. Mr. Stafford having added words to the effect that the House was prepared "to provide sufficient means for defence," the resolutions were shelved by 30 votes against 21, the Government voting in the minority, while Mr. Whitaker, Dr. Featherston, and Mr. Crosbie Ward were in the majority.

It was no Pharaoh who had bound the colonists to their task ; but it was not made easier for them because self-imposed. They had determined to make bricks without straw, and were aghast at the work they had to do. Thus it was that they could not speak intelligibly on Mr. Fitzgerald's resolution. Similarly when Mr. Whitaker, earlier in the session, proposed resolutions for remodelling the government of Auckland, the Representatives went into Committee upon them, and went out again—agreeing upon nothing. After a week of futile discussion the Speaker resumed the chair. Two financial statements were made within one month. Mr. Jollie, who had become Treasurer in June, made a statement on the 8th August. A vote of want of confidence, moved by Mr. Moorhouse, the Superintendent of Canterbury, was passed on the 15th by a large majority. Mr. Stafford, to propitiate the House, made room in the Ministry for three of the gentlemen whom he had driven from office a few months previously. Mr. Fitzherbert, having reassumed the control of the Treasury, made his financial statement on the 5th September. Some reduction of expenditure was proposed, and the maintenance of an armed constabulary rather than a rudimentary army was declared to be the policy of the reconstructed Government. Mr. Fitzherbert did not propose to deal in 1866 with his former stumbling-block—The Surplus Revenue Act—but hinted that in a future session, the partnership in revenue between the General and Provincial Government would require to be dealt with. The provincial share (three-eighths) of the Customs revenue was estimated at £318,750. Three days before the session was closed, Mr. Jollie proposed a reduction, but failed to convince his fellow-members. A Stamp Duties Bill was passed, and was expected to produce £50,000 a-year.

The confiscated lands were made a subject of inquiry early in the session, on the motion of Colonel Haultain, the Minister for Colonial Defence. A Select Committee reported that in Taranaki, 1,144,300 acres; in Wellington, 200,000 acres; in Auckland, 1,911,437 acres, had been confiscated. Though instructed to report upon "the best mode of disposing of land available for settlement," they refrained from doing so. The computation of the extent and value of lands at Waikato was intricate and complex, and at Waikato and Tauranga the lands had on certain terms been handed over to the Provincial Government. At Opotiki, though 480,000 acres had been seized, about half must be restored to the Maoris, of whom about half had remained loyal; and, deducting 25,000 acres for military settlers, and assuming much to be unavailable for settlement, there would remain about 25,000 acres of choice land to be disposed of.<sup>1</sup>

The Ulysses of the Maori nation kept faith with the Governor. The promise made at Hamilton by Te Waharoa the king-maker was redeemed. Sir G. Grey enabled him to appear without ignominy, for he arrived at Wellington as a guest on board of H.M.S. 'Esk,' prepared to give information which might lead to legislation on Maori affairs. On the 10th August, Mr. Fitzgerald presented to the Representatives a petition from him. They not only did not hesitate to accept it; they allowed it to be referred, without previous notice, to a Committee, consisting of Colonel Haultain, Mr. Whitaker, Mr. McLean, Mr. J. C. Richmond, Dr. Featherston, Mr. Dillon Bell, Mr. G. Graham, and Mr. Fitzgerald. His petition was lengthy. The writer had been dwelling "at his place—great darkness and sorrow of heart,"—brooding over the woes of his country. The Governor had made soul and body

<sup>1</sup> In 1867 a return showed that 87,000 acres at Opotiki were given to the gallant Arawa tribe who had fought for the English. The Crown Agent reported of 58,000 acres,—“Act not enforced.” Of 96,000 acres “given back to rebels,” he said: “The giving back is but nominal, for the natives would not have given it up. But I was required to make the best arrangement I could.” The balance in the hands of the Government, in June, 1867, was 151,000 acres.—N. Z. P. P. 1867; A. No. 18. In the same return Mr. Parris reported that to the hero of Waitara, Te Rangitake, had been restored 25 acres in the Waitara township. In the Taranaki district loyal natives had received 134,000 acres; military settlers, 106,000; rebel natives, 33,000.

rejoice by advising recourse to the Parliament, which had power to lift an exceeding great weight. Two wants caused anxiety. "1. That some measure be devised to straighten those curvatures, by reason of which we all fell into error. 2. For Waikato to be given back to me." He dilated on the first, recounting the evils which brought about and continued the wars. He had throughout sought peace, and condemned savage practices. But, "O friends, because of this did I fully consent to the fighting; because of my women and children having been burnt alive in the fire, which was suffered, rather than the edge of the sword, to consume their flesh. I would not have regarded it had it been only the men." For himself, since first "we embraced Christianity, when my tribe sought (utu) payment for our dead who had fallen, I did not give my consent. Then I said, 'Stop; strive to repay in a Christian manner. Let peaceful living be the payment for my dead.' They consented. I then drew all my enemies to me: they all came, not one continued a stranger to me, but all became related to me in the bonds of Christian fellowship. Then I said, 'What a good payment (utu) this is for those that are dead, this living peacefully.'" The king movement had fostered peace among Maoris, and therefore he had supported it. "Follow, O Assembly, after me, and measure my steps from the beginning up to the present day. Weigh also my words from the first until now, for everything is weighed; articles of food are weighed, and clothing is sold by measure. Land is also meted out, and should the mind of man not be weighed? Will it not be measured to discover its weight and dimensions?" On the restitution of Waikato he wrote only the words quoted already. He gave evidence, and the Committee recommended that his petition should be referred to the Superintendent of the Auckland province. On other Maori petitions also they reported with some kindness. Wi Tako, to whom the English owed so much, was a petitioner on the subject of a Compensation Court decision, and was advised as to the procedure he should adopt.

The vain striving of an aboriginal race against the vices which accompany European civilization found a faint echo in a petition from six members of the Arawa tribe, who prayed that a house for the sale of spirituous liquors might not be "suffered to be



established within the Arawa territories." The effort to confer electoral privileges and representation on the Maoris found no record in the Statute-book of 1866; but some of the earnest-minded were labouring to bring about a consummation so devoutly to be desired, as the acceptance by the natives of the rights of British subjects after they had been deprived at the point of the bayonet of their own. But the Assembly was not idle. In three months no less than 92 Acts were passed. The Settlements Act was again amended. The Native Lands Act of 1865 was supplemented. Waste Lands Acts for Otago, Canterbury, and Auckland gave powers to the provinces in dealing with lands. Various enactments dealt with Treasury bills, and with provincial debts. The Wellington Land Purchase Loan Sanction Act sanctioned a loan to the Wellington province to enable it to purchase from Maoris, at a cost of £25,000, the Manawatu block, the titles to which had long been and were to continue in dispute. Gold-fields, Civil Service, distillation, carriers, inn-keepers, oyster fisheries, registration of electors, and various other persons and subjects furnished titles of Acts, some of which, as usual in self-governing colonies, were almost verbal transcripts of Imperial statutes.

Te Waharoa, after his long estrangement from the English, must have pondered long over the restless activity of the members of that which his countrymen had called "the English Committee." No subject seemed too large for its power, nothing too small for its notice. With English blood and treasure, and the help of native allies, the hostile Maoris had been put down. The thoughtful chieftain must have speculated whether the repugnance to tradition and rude want of reverence, which characterized the Representatives, might not in the end lead them to trample on the authority of the Queen. Already some of the early servants of the voracious New Zealand Company had been in power. One of them, Mr. Fox, had been chief Minister in 1861, and in 1863, with a fellow-lawyer, Whitaker, had made demands of confiscation which the exile of whole tribes would not have satiated. Then, the Governor and Mr. Cardwell had compelled Mr. Fox to yield; but in 1866 a new order of things had arisen. Mr. Stafford, the head of the Ministry which brought about the great injustice of Waitara, was again

in power. The enemies of the Maori seemed ever able to crawl into office. In published despatches and speeches in England it had been confessed that Her Majesty's Ministers disapproved of much of the confiscation policy which they shrunk from restraining. Te Waharoa was familiar with Scripture, and was now brought face to face with a rod which was thus swallowing up its opponents. Old Maoria was passing away. The "korero" of tribes had ceased to be a power in the land. The Parliament of the Pakeha had become, if not an object of respect, an irresistible engine for good or evil. Te Waharoa went back to his own place, whither most of his tribe had been permitted to return, and died in a few months. His friends said he was broken-hearted. His detractors looked upon his death only as the fall of an additional leaf from the tree which civilization was with propriety destroying. Honourable, kind, peaceful, and Christian, he had yearned for the happiness of his people. He had striven with equal honesty against the inexorable Rewi and the machinations and injustice of English colonists. He had been maligned on both sides. After Rangiriri he had laboured for peace. In Maori manner, he sent the General a token of submission—his mōrē. But for the vanity of Mr. Fox, perhaps peace might then have been secured. When General Cameron's overwhelming forces marched up the valley of the Waikato, the baffled king-maker retreated from stronghold to stronghold, finding no refuge, and bitterly complaining that professing Christians burned women and children in Maori whares at Rangiaohia. "Leave it to be for England," he said, "to adopt the putrefactions of my ancestors, viz. killing women and children, and burning people alive in their sleeping-houses. The Maori people assented to me, and what I said to them." It was long before he could see a way of reconciliation. The recurrence of the Hau Hau fanatics to the wild orgies in which cannibalism was not a cruelty, but a rite, was soon followed by his submission.

Sir George Grey did what he could to smooth the way. The tidings of the death of the chief caused one of those kindly messages which have often touched the hearts of Englishmen. "The Queen desires that his tribe may be made aware that she laments the loss which they have sustained. She hopes that the example of his self-control, and the wise advice which he has

bequeathed to them, will lead them to forget the contest which is past, and to unite with their European fellow-subjects in those peaceful pursuits which will best ensure their own comfort and improvement, and promote the prosperity of their common country." Such a message was worthy to be the chieftain's epitaph. The friend of mankind will part with the noble career of Te Waharoa with admiration and regret. Amongst the many actors in stirring times, on him no reproach can truly be cast. From the time when, as Tarapipipi, in 1844, he enforced restitution at Remuera, until he died, receiving such tardy assistance and comfort as Sir George Grey's Government afforded him, he is seen as the embodiment of Christian virtue in a Maori nobleman. He failed to redress his country's wrongs; but, it may be, that success was impossible. After the Duke of Newcastle had sanctioned the robbery at Waitara, it could hardly be hoped for. Te Waharoa's example, nevertheless, justified the grant of representation of the Maori race, which Sir G. Grey lived to see accomplished, albeit scantily, in 1867. The enemies of Te Waharoa strove to assail his character by citing the letter in which he announced that the invasion of Waikato compelled him to arm in self-defence, and by asserting that he subsequently joined the Hau Hau fanaticism. His letter seemed to imply that he would not spare the unarmed; but no deed of his conformed to the letter. On the contrary, wherever his influence was great, chivalrous courtesy to the wounded, as at the Gate Pah, prevailed. In a pamphlet published by Mr. Sewell in 1864 (in Auckland), the author stated that he had been assured by Archdeacon Brown that the expression in the letter was "idiomatic, and that the meaning intended to be conveyed was this: 'I have determined to join the war-party. I am going to fight. The native practice in war is to spare neither unarmed people nor property. You therefore are in danger, and I warn you to go.'" During Waharoa's last illness no Pai Marire ceremony was tolerated near him. He ever carried with him his Bible; and, so long as he had strength, he read it. When moved from place to place, his tribe as they raised him prayed thus: "Almighty God, we beseech Thee to give strength to Te Waharoa while we remove him from this place. If it please Thee, restore him again to perfect strength; if that is not Thy

will, take him, we beseech Thee, to Heaven." In fine, when Te Oriori asked, "What shall I do, and the Maoris, your children, when you are dead?" the dying chief, with the Bible in his hand, replied: "You must stand by the Government and the law; if there be any evil in the land, the law will make it right." It could not be said that his peaceful and pious professions were born of weakness. He had ever shown the same tendency. His father, though he invited missionaries to his territory, abandoned none of the ferocity of the national cult. But it was otherwise with the future king-maker. He had no love for the ways of his ancestors, and grieved his father by shrinking from them. When a missionary was robbed, he followed the robbers, stripped them of their booty, and gave it back to its owner. When he was baptized he declared that he would no more join in war, and he resisted the entreaties of the wilder spirits, who pressed him to lead them in battle. At a great meeting he harangued them with the New Testament in his hand, and his counsels then prevailed. But he did not convert them all, and thought fit to establish for his Christian brethren a separate pah where 400 assembled. On one of the posts of the chapel was a code of regulations in his handwriting, for the government of his Christian community. His restitution of the property seized by his countrymen returning from Remuera in 1844 has been told. His determination not to go to war was pursued, through evil report and good report, until General Cameron crossed the Maungatawhiri. "I am now absolved from my promise," he said, "for this is a war of defence." It is vain to wish that all English Secretaries of State, Governors, and Colonial Ministers had had the earnest piety and sense of justice which finally enabled Te Waharoa to stand before his Maker, as a good man who had run his course faithfully in the troublous career forced upon him by the crimes of others.

The New Zealand Government, in 1866, while deprecating the attitude of the troops, expressed a high sense of the value of the naval force. In October, a unanimous vote of thanks to the retiring Commodore was passed by the Representatives, echoed by the Ministry, and applauded by the Governor. After his march to Taranaki, General Chute, pleading instructions from the War Office, refused to move his head-quarters from Auck-

land to Wellington, though repeatedly urged to do so. There were rumours of a Maori rising in October, 1866, but he could see no object in absenting himself from Auckland, where "the usual and regular duties" of his command could "be best conducted." He complained that the Governor would not reply to his letters asking for instructions as to the posts at which the military were to be stationed, and Sir George Grey curtly told him that, if all the troops were to be withdrawn from the outposts to the chief towns, he concurred with his advisers that the troops would be useless to the colony, and he ought not to express any acquiescence with such an arrangement.

The reports of the Commissary-General in the end of 1866 fanned the flames of discontent. He condemned the use of troops in defending confiscated lands, and urged the withdrawal of Imperial aid. As usual, despatches and counter-despatches were multiplied till they filled volumes of blue-books. Secretaries of State were never tired of repeating that the troops should be withdrawn, and Mr. Stafford (16th May, 1867) declared that the Ministry acquiesced in the withdrawal, because the military had been perverted into instruments for defaming the character of the colony, and the commanding officer had been made independent of the constitutional control of the Governor. Even the withdrawal, however, had been effected "in a manner calculated still further to engender animosity, to inspire the disloyal natives with revived hopes, and the loyal with distrust." To such a pass had England brought the land of the Maoris by subjecting them to the caprice of the heirs of the New Zealand Company. While Lord Stanley and Sir Robert Peel were in power the honour of England had been safe. From neither of them could have been expected the sanction given by the Duke of Newcastle to Colonel Browne's unjust conduct at Waitara. By neither of them could have been approved the abandonment of England's duty towards the Maori race. Without any evil intention, successive Ministries had subscribed to violations of the letter and spirit of the Waitangi treaty, and basely striven to hide their shortcomings by slinking from the field of action or endeavouring to stifle discussion. All their deeds had become evil when they shrunk from adhering to a just principle. Mr. Cardwell's vigorous tone as to treatment of prisoners cast a

momentary gleam upon Downing Street, but, under his successors, the gloom in what Charles Buller called "sighing rooms" thickened again. There was no sympathy for anybody in New Zealand in that atmosphere. Nor was public intelligence aroused to create a virtue unengendered in Downing Street. With lazy immorality the 'Times' remarked in 1863 that unless the Maoris were "shortly reduced to submission, the savage race which has shown itself most capable of civilization would probably within a few years have ceased to exist." In 1865 the same authority declared: "The Hau Hau fanatics will be at once extirpated, and it is not improbable that their countrymen will eventually share their fate." In a few years the tone of the caterer for London's gossipers was to become more sprightly. "The simple fact that for every native known to be hostile to us, there was another native known to be friendly, ought surely to have guided us to the true military policy for the colony. . . . Every Maori has a natural taste for war, and this taste can easily be improved for our benefit. . . . By enlisting New Zealanders we should combine the martial instincts of the savage tribes with the skill, armaments, and organization of European armies." On the justice of the case not a word was expected from the 'Times,' and not a word was said. What was wanted was to assist the Maori race to disappear.

Dark rumours were rife about a new uprising of hostile tribes in October, 1866. In March, a letter to the Queen, purporting to emanate from the Maori king, had been transmitted through the hands of a chaplain to the forces. Half defiant, half beseeching, it sounded the chords which had been struck by the Maori chiefs throughout the war. It asked that "a great Judge from England" might be sent to put an end to strife. Lord Carnarvon's answer was written in October. At that time the General Assembly had been prorogued, and the wilder spirits among the Maoris were craving for war. The intimation that petitioners must send their prayer through the Governor would have fallen on distracted ears if it had reached New Zealand before the outbreaks of the spring of 1866. A Maori friend warned the Government that at Hawaka, Tauranga, Waikato, Taranaki, Wanganui, Turanga, Whakatane, and the east coast generally, a rising had been planned. "The first intimation of

it may be when the weapon has touched." The perverse bravery of the Maoris was such that no certainty of final failure deterred them from plunging into an affray. They rejoiced in a present victory when they slew more than they lost. They brought to the beginning of a fight the craft of a conspirator with the fanaticism of a Malay. Confidence in the final result was no anodyne to the fears of colonists whose lives were in danger which stalked like a pestilence and might smite, no man knew where. At Napier the danger seemed most imminent. Hau Hau armed bands were encamped in October, 1866, at Omaranui, a few miles from the settlement. They had made no hostile demonstration, and had not molested the settlers, but Mr. Donald McLean, Superintendent of Hawke's Bay, called upon them to surrender their arms and go to their homes. Having laid his plans with Colonel Whitmore, he told them that if they should refuse to surrender within an hour, they would be attacked. As the colonial forces outnumbered fourfold the number of the presumed rebels it might have been supposed that they would yield. They were surrounded by about 200 militia and volunteers, and a like number of Maoris. They were in a Maori village which they had not fortified. They said they thought the time, one hour, rather short. Colonel Whitmore after two hours told them he would wait no longer. They said "there was no reason to do so as they meant to fight." They fought for nearly an hour and a half. Their losses were considerable. When the majority surrendered, Nikora appeared to be the leader who induced them to do so. A majority endeavoured to escape across a swamp, but cavalry prevented them from gaining the hills. Colonel Whitmore reported in glowing terms the gallantry of the colonial and native forces. Three were killed and 13 wounded among the assailants. The Hau Haus did not hoist a flag of surrender till 23 had been killed and a like number wounded. Seventy-six prisoners were taken, and the conqueror reported, "Nearly all the turbulent spirits are now killed or taken." The chiefs Tareha and Renata were conspicuous. "Tareha, with a sword alone in his hand, rushed among the enemy to stimulate his men." Nine only of the enemy were unaccounted for, and it was not known whether they were "dead in the swamp, where they had been heavily



fired upon," or whether they had escaped. The peace of death had been enforced. Napier breathed freely. A newspaper declared the action, "the most brilliant affair of this guerilla war." Lord Carnarvon upbraided Sir George Grey for not informing him that a new guerilla war had broken out, and when told that the newspaper included the action as part of all New Zealand warfare, gracefully apologized in the House of Lords to the Colonial Ministry for his charges against Sir George Grey. When an apology is unavoidable there is exquisite ineptitude in making it to the wrong person. Colonel McDonell on the west coast was distinguishing himself in a manner which at a later date demanded inquiry. He spoke the Maori language with fluency. Mr. Stafford's Defence Minister had ordered him in June to be vigorous in inducing (at Patea and Waingongoro) the surrender of the Hau Haus—the waifs and strays left by the army of General Chute. Mr. Parris was, through the agency of Te Ua (the repentant Hau Hau), labouring to procure their submission, but Colonel McDonell repudiated diplomatic triumphs. He ordered that certain chiefs should wait upon him. They did not attend. He construed their absence as a punishable act of rebellion, and on the 1st August, 1866, in the depth of night, with a large force, surprised an undefended village at Pokaikai, scattering its inmates, some of whom, though women, were bayoneted. A Maori woman deposed that one of the attacking party seized an ornament in her ear, and that when he could not tear it away he cut the ear with his knife and secured his booty. Her father and mother were shot. She was taken prisoner. She complained that it was wrong to attack the village while her husband, Natanahira, was absent to negotiate for peace with Mr. Parris. Colonel McDonell said, "Who is Mr. Parris? I am the person with whom peace should be made." It was maintained by some, and denied by others, that some of the attacking force were drunk. Hori Kingi wrote to Sir George Grey. Mr. Parris was at the time at Wellington; Sir George Grey asked if he would go at once to the district where the outrage had occurred. The Ministers had an interview with Mr. Parris. He went to the district and was not wholly unsuccessful, though some Maoris would not be persuaded. The words of the woman whose father and mother were shot explained the cause of Maori

distrust. The attack was made at "night; at midnight, when the people were asleep. The sleep was the sleep of fools, for the words of the Governor, sent through Te Ua, had lulled us. My children were lying around me in fancied security." Subsequent treatment of the woman was not calculated to smooth the way to peace. Colonel McDonell wrote to the Defence Minister: "This morning I released Natanahira's wife and sent her to Otapawa with a letter to the rebels, telling them that if they do not immediately submit, I will carry fire and sword through the country, and give no rest by day or night. I have detained his child as a hostage." Such an agent was condemned by his own words, and a commission of inquiry was afterwards appointed.<sup>1</sup> McDonell requested (31st July) that Parris might be "instructed to cease to communicate with the rebel natives," but the fumes of Pokaikai, and other villages, and the treatment of Natanahira's wife stunk even in Mr. Stafford's nostrils, and McDonell was desired (8th August) to conform to the instructions of Mr. Parris. On the 12th, he was fired at. On the 30th, Parris reported that the Warea natives refused to submit, and McDonell took the field again, *suo more*. If Parris had supped full of horrors the commander was free from morbid weakness.

About the time when, in the east, the Hau Haus at Omaranui were crushed by Donald McLean and Colonel Whitmore, McDonell, on the west coast, inflicted severe loss upon the Ngatiruanui at Pungarehu. One of his reconnoitring parties had a skirmish at Ketemarae on the 2nd September, and he resolved to build a redoubt at Waihi. The men engaged in the work were often fired at by the natives. On one occasion within sight

<sup>1</sup> Some years afterwards Major (become Colonel) McDonell published his own defence in pamphlet form. He stated that on the 3rd August, he "scoured the bush inland of Matutahi; found out and burnt two villages just located. . . This brought the natives to their senses, and on the 4th August they sent me a message suing for peace. . ." On the 7th, "I went into the bush with the native contingent, and met them at the site of a village named Ohangae, which had been burnt during General Chute's campaign. There we made peace. . . . That peace I could have firmly maintained even with the small force then under my command (he had previously applied for 500 more men), were it not for the suicidal course pursued by Mr. Commissioner Parris, to whose conduct must be attributed the subsequent hostility of the natives, and the frustration of all my plans. . . . All went on well, until in an evil hour, Mr. Parris, who had been to Wellington to earwig the Government, appeared amongst us."

of the redoubt an ambuscade surprised a provision-cart escorted by troopers from Patea to Waihi. One trooper was killed, and the provisions were carried off before aid could be sent from the redoubt. The trooper was found hacked to death by tomahawks. Colonel McDonell retaliated on the 6th October by surprising the village of Pungarehu, not far from the Waingongoro river, and near the Maori villages laid waste and burned by Colonel Butler in the beginning of the year. Though General Chute's track pierced through the same country, the hunted Maoris had found a temporary resting-place. The attacking force was about 130 in number, of whom one-third belonged to the native contingent. At daylight Pungarehu was surprised. Major McDonell reported: "As we leapt the fences I called upon the inmates to surrender" [he does not say that he was heard or understood]; "they replied by heavy volleys from the doors and windows of the house. We returned the fire, and rushed to the fortified whares, scraped the earth off the roofs, and pulled down the slabs to fire at the inmates. In several instances they ran out of the doors, and firing their pieces into us tried to escape into the bush, but were shot down. In half-an-hour we were masters of the position, and the firing ceased. . . . The loss of the enemy I estimate at 30 killed: 21 were counted, and others could not be counted as they were buried in the burning ruins of the houses." It is a relief to read that nine prisoners were taken. Three killed and four wounded formed Major McDonell's loss. The escaped Maoris or some of their friends rallied in the forest and fired upon their enemies. Major McDonell thought that superior re-enforcements had arrived, and were striving to cut off his retreat. The dashing Rangihwinui by flank-skirmishes foiled the attempt, and the destroying Europeans left the scene of their exploit. In justifying it, Mr. Stafford said that such a mode of "warfare may not accord with War Regulations, but it is one necessary and suited to local circumstances."

The Ngatiruanui hapu surprised at Pungarehu was that of Titokowaru and Toi. About a week afterwards a re-enforcement of Maoris from Wanganui arrived in McDonell's camp, and some of the enemy surrendered, saying that the whole of their people would do so, as soon as the subsidence of a freshet

might enable them to cross the Waingongoro river. Toi himself, with 12 men, in a few days tendered his submission. McDonell refused to receive the submission of less than the whole tribe, and told Toi to go away. Toi complied, but six of his people remained. One of them was Katene. He had done his best for his people, he said, and was weary of the war which was destroying them. By degrees his own hapu, to the number of 70, including women and children, joined him. Availing himself of Maori manners, McDonell employed Katene as a guide and soldier. The Te Umu pah was destroyed, but the enemy's scouts had given warning, and only two men were killed. A village named Popoia was to be attacked on the 18th October. Katene guided McDonell's force to it during the night, and having reached the edge of the forest unseen, advised a halt till daylight, as it was unwise to penetrate the forest in the darkness. For an hour or two his counsel was respected, but Captain W. McDonell became impatient, and induced his brother officers to discard Katene's counsel. In single file the force advanced on the narrow track, and suddenly, flashing through the gloom, sheets of flame on front and right showed that the foe was on the watch. Captain McDonell fell, severely wounded. The invaders knelt to avoid the bullets which flew over their heads. None could see friend or foe. A retreat ensued. At dawn the force emerged from the forest and the enemy fired volleys from their shelter. Enraged at the indignity, Winiata, of the Wanganui contingent, shouted: "Behold, a challenge! If nothing be done, we shall be disgraced. I go to defy them." Stripping off his clothes, he dashed back towards the forest, and with insulting words and gestures dared the Hau Haus to fight him in the open space. He was fired at, but not struck. His old Maori comrades consoled themselves in the retreat by saying: "Never mind; the Hau Haus are beaten. They dared not to accept the challenge of Winiata." The midnight attack upon Pungarehu had put the Maoris upon their guard. Sir George Grey visited the scene of action, and Colonel Rooke with some of his regiment (18th) on the 25th October accompanied McDonell's force. Again the enemy fired from an ambuscade, but the troops rushed forward, and Popoia was captured and burnt. One life was lost in the colonial force. Two Hau Haus were shot. A

plot was laid for Titokowaru's fighting man, Te Waka. Katene was to entrap him in an ambushade with the promise of a store of percussion-caps. Te Waka, greedy for ammunition, walked into the trap. As he approached the ambush, his treacherous guide, Katene, seized Te Waka's gun and called on his accomplices to fire. Te Waka relinquished his gun and with a bound reached a precipitous river-bank. Before he could hurl himself over the cliff a shot struck him, and with a convulsive spring he disappeared and was found dead at the river-side. Katene was asked why he seized the gun instead of the man. He replied: "You would have spared him. I wished him dead, for he had done me wrong." McDonell made a vain attempt to surprise a pah, Tirotiromoana, on the 5th November. On the march it was noticed that Winiata, usually the foremost man, remained in the rear of his column. An officer asked the reason. He answered: "I dreamed last night that I was leading the advance as usual, and was killed from an ambush. I felt the bullet; it went in at one hip and out at the other." The march was continued. A deep ravine was crossed. As the advance-guard mounted the opposite hill a volley was fired from an ambushade, and a private (Economedes, a Greek) fell dead. Winiata rushed forward to examine the wound. It was as he had dreamed. "Look," he shouted,—“this man is killed by the bullet I dreamed of. This is the first time he has led. On all other occasions I have done so. My dream has saved my life.”<sup>1</sup>

Other expeditions proved that Titokowaru's people had retired to various fastnesses. Some were at Te Ngaere, a settlement in the forest, surrounded by marshes which tradition said had once engulfed hundreds of invaders. It was rumoured that some had fled to Te Rangitake's inland shelter at the rear of Mount Egmont. McDonell could do no more in the field. But the Government did something. The survey of the confiscated land was completed from Patea to Waingongoro, and "military settlers commenced to select their land. I also (McDonell explained) selected my land in the district." The red hand of such a settler having prospered in the west, he was ordered by

<sup>1</sup> 'Reminiscences of the War in New Zealand,' p. 139. Lieutenant Gudgeon. Mr. Gudgeon adds: "After this incident no one doubted that Winiata had a very strong God of his own."

Mr. J. C. Richmond, then acting as Defence Minister, to proceed to Tauranga, and lead the warlike Arawa against hostile Ngatiraukawa, not far from Rotorua. At this point it is good to quote his own language. What he did to the captive boy would perhaps be doubted by the reader unless told in the commander's words. (Finding a small camp) "we at once attacked the position, drove the enemy out, killed two men, and captured a third, a young fellow whom the Arawa wanted to tomahawk, but I spared him for another purpose. In his terror he told me where I should fall in with the enemy's main body, and as he knew that it was more than his life was worth to deceive me, I ordered him to lead on." The camp was found, surrounded, and attacked. "We killed a considerable number of them." McDonnell was made Lieutenant-Colonel in the Auckland militia, and the stark bodies of the slain Maoris were left to rot on their native soil, for the outnumbered friends of the dead took refuge like foxes in the fastnesses of the forest. The new-fledged Colonel was again required at the west, where the surveying of land had been checked by the resilient Hau Haus. He met a hapu of the Pakakohi tribe, and amongst them was Titokowaru, whose subsequent career was to be written in blood, and who was to wrest laurels from McDonnell's brow. A display of bayonets glittering in the moonlight, and a warning that even McDonnell's "patience had a limit," secured a triumph for the time, and the surveying was pushed on.

Meanwhile the reproaches caused in England by the tidings of the slaughter at Pokaikai and Pungarehu had reverberated to the colony. Lord Carnarvon<sup>1</sup> required official reports concerning events spoken of in newspapers. Mr. Stafford furnished an explanation which contained a retort that the "Imperial Government has ignored the constitutional position of the Governor, and has in successive despatches displayed a sense of irritation and a proneness to take and give offence which are much to be deplored." . . . Had the "Imperial Government been properly jealous of the honour of the persons against whom Colonel Weare's charges were made, it would have insisted on a public investigation." Though written for Lord Carnarvon's perusal this remonstrance reached the Duke of Buckingham's

<sup>1</sup> Despatch, 28th December, 1866.

hands in May, 1867. In March, the Earl had quitted office rather than follow the inconsistencies of Mr. Disraeli. He did more. He protested against them in the face of the hero of debate—the Earl of Derby. As it is agreeable to do justice to those who refuse to do it to others, this allusion to the course of English politics becomes not unseemly. Among the Earl's latest despatches to New Zealand were some which vigorously reprehended the employment of regular troops in defending disputed or confiscated land. "The large confiscations which have taken place have been viewed with the greatest apprehension by Her Majesty's Government," and, if to be held by force, should not be held by Her Majesty's troops.

But still there lurked in men's minds, even in New Zealand, a suspicion that the occurrences at Pokaikai did not deserve the name of war. The Governor appointed (1868) a commission to inquire into "certain alleged acts of cruelty stated to have been committed" there. The conduct of the inquiry seemed to McDonnell "incredible." The charges had not been specified, and he had to find out from the "evidence what atrocities were being trumped up." The attempt to "drag the ornament out of the ear of a native woman," was proved, but McDonnell's witnesses denied that it succeeded, and it was sworn that the culprit, a volunteer, was placed under arrest by McDonnell. Two members of the commission, Mr. Cracroft Wilson and Mr. J. Cargill, drew up a report (August, 1868), highly favourable to McDonnell, and declaring "that no wanton outrage was committed by any member of the enrolled force." There was a protest by one member, Mr. George Graham. He curtly wrote: "I protest against this report." He declared the attack on Pokaikai unnecessary, and that by unjustly lulling the natives into security while intending to attack them, McDonnell had acted in a manner which might seriously complicate the relations of the Government with the tribe. McDonnell averred that the sitting of the commission lowered his prestige in the eyes of the natives, and raised that of Titokowaru, who "commenced disturbances almost immediately after the close of this inquiry." The motives of Titokowaru, and his deeds, must be told hereafter.

It may be mentioned that Sir George Grey in his explanation studiously avoided any allusion to the attack upon Pokaikai.



He justified that upon Pungarehu on the ground that its inmates were amongst "the worst and most desperate characters in New Zealand," and said that the "escape" (of McDonell's force) "was a very narrow one."<sup>1</sup>

When the Earl of Carnarvon resigned office, in March, 1867, only one regiment, the 18th, had not been ordered to leave New Zealand. It was to be under the direction and control, but not under command, of the Queen's representative. Perhaps no other regiment was the subject of so much correspondence. In October, 1867, the Ministry wrote that they did not ask for its retention, and would not be responsible for any payments on account of it, but they recommended, and the Governor ordered, that the head-quarters and six companies should be stationed at Auckland, two companies at Taranaki, and two at Napier. The Earl of Carnarvon, hoping that Sir George Grey would recall his defence against Colonel's Weare's charges, had refrained from considering what the Government ought to do if Sir George Grey should decline to cancel his despatch. It has been seen that he declined. The Duke of Buckingham, in May, curtly acknowledged the lengthy despatch in which the refusal was couched. In June, replying to a despatch in which Sir George Grey represented that General Chute "allowed him to have no knowledge of the times at which or the routes by which troops were to be marched," or temporarily massed, and that the Government was therefore unable to warn or act in concert with friendly or doubtful tribes, the Duke regretted the controversies which had so long existed between the Governor and officers in command, and wound up a short despatch with the words: "I shall then also be able to inform you of the appointment of your successor, and of the time at which he may be expected to arrive in the colony."

The Governor's despatch had enclosed a protest from his advisers against the alleged unconstitutional powers assumed by General Chute as to determining the location of troops. Of this the Duke took no notice. On many occasions it was his habit

<sup>1</sup> Lord Carnarvon had not alluded to Pokaikai in direct terms, but Sir George Grey would have done more justice to his office by a comprehensive statement than by confining himself to the Pungarehu affair on the ground that "I can only guess, and I think rightly, that it is an affair which took place at Pungarehu."

to trust to the maxim, that if let alone much business will settle itself. The significance of communicating his recall to a Governor in a despatch on military matters was too plain to be overlooked. While it was on the way, various difficulties impeded business in New Zealand. There were disputes about accounts, about underhand reports to the War Office, about removal of troops, and abandonment of military buildings.

On the 27th August, Sir George Grey received the despatch recalling him. The General Assembly was then in session. The Houses had previously conveyed to the Governor their thanks for the prompt and decided manner in which he had incurred the displeasure of the Earl of Carnarvon by defending the honour and character of the colony, and they were not slow to vindicate the man whom they deemed a sacrifice to the offended War Office. In the Council the despatch was no sooner read than on a motion by Colonel Whitmore, unanimously adopted, the House adjourned as a mark of respect for Sir George Grey, and regret at his recall. With equal unanimity, on the 6th September, an address was adopted. Sincere regret at the Governor's recall, admiration of his public and private character, testimony to his ability, self-sacrifice, and activity, and a recognition of the perils, privations, and fatigues he had undergone, formed the groundwork of the address. "We consider that the Imperial authorities have listened too credulously to accusations of the gravest kind, and by acting upon such information before ascertaining its truth or falsehood, they have been led to reiterate against the colonists most unfounded calumnies. . . . In asserting the honour of the Crown, and maintaining the position of the Governor as representative of the Crown, and the constitutional rights of the colony, as well as in vindicating its character against unjust aspersion, your Excellency has put aside all personal considerations, and has not been dismayed by menace or misrepresentation." The Council trusted that the great services rendered by the Governor to the Crown and to the colony would be rewarded by some signal mark of Her Majesty's favour. Idle hope! Between the fount of honour and those on whom it ought to flow there lies a region of slime which disfigures the claims of the just but gives false lustre to the base,

like the iridescence which mantles on the surface of a stagnant pool. To have earned the honours of Drake direct from the hand of his Queen was a prouder distinction than to be the chosen knight of ancient tourney. To fawn, and cringe, and lie to obtain the favour of a Secretary of State, and thus obtain undeserved sprinklings of royal grace, is a process which may well bring that grace to dishonour. The system under which a Vogel, a Duffy, and their congeners have been decorated in the name of their sovereign, proved the truth of Herman Merivale's declaration,<sup>1</sup> that it deadened appreciation of chivalrous rewards, gave them an ineffaceable stain of vulgarity, demoralized patriotic impulse, and lowered the standard of popular respect for the Crown. The one way in which the Crown could hope to distribute favour duly was by an avoidance of honouring the base, and at least, if it could not discover heroes, to confer distinction on those who would command respect. The Colonial Office at this period seemed bent upon furnishing materials for the censure of Mr. Merivale. If Sir George Grey in his later years unworthily swerved from his former loyalty, his defection may be not justified, but accounted for, perhaps, by the demoralizing agency of the Colonial Office. The Representatives were as energetic as the Council. They were about to record their thanks to the Governor for his conduct respecting Colonel Weare's reports, when the despatch recalling him was laid on the table. On the motion of Mr. Stafford they echoed the sincere regret of the colony at the loss of the Governor, and joined in the encomium of the Council on his character and services. The Governor's reply to the addresses spoke of the heroic work done by the colonists in laying the foundation of an Anglo-Saxon nation. Men who had so laboured together might well find consolation in mutual esteem, and leave their fame and reputation to a grateful posterity for whom they had in truth been labouring. Associated as he had been with them so long in their great work, and regretting with them that the public ties which had bound them were to be rent asunder, it was much to remember that they had presented addresses of which any Governor or ruler might be proud, and to know that while

<sup>1</sup> 'Fortnightly Review,' February, 1870. Mr. Merivale had been Under-Secretary for the Colonies, and was therefore an expert.

he lived he should have the pleasure of seeing them labour as of yore to do their duty to their Queen and country.

Earl Granville was Colonial Secretary when the despatches on the subject were laid before Parliament in July, 1869. It then appeared that of the address of the Council no notice was taken by the Duke of Buckingham, and that the despatch (23rd November, 1867), entered as a reply to the address of the Representatives, made no allusion to them or to their prayers, but curtly repeated to Sir George Grey an intimation already made (22nd August, 1867), that Sir George Bowen, the Governor of Queensland, had been appointed Governor of New Zealand. When the insolence of office descends to such petty insults, their reprobation becomes a duty untainted with the meanness of the things condemned. But the studied discourtesy which had been practised was to be partially, though disingenuously, disavowed by the Duke. On the 16th September, the New Zealand Ministers drew up a formal protest—against the subjection of a Governor to a subordinate military officer, as directed by the Earl of Carnarvon; against the rash disposition of troops made by General Chute without concert with the Government; against the conduct of the Imperial Government with respect to Colonel Weare's and other secret charges; and against the silencing of truth in the matter of the illegal killing of a prisoner without trial. As to the recall of the Governor, they recognized the absolute right of Her Majesty to recall and appoint Governors at pleasure, but they regretted that the despatch summarily recalling a Governor who had for 26 years rendered great services to the empire, contained not one word of explanation. "Ministers desire to express their sympathy with his Excellency at having been by so unusual a proceeding subjected to what appears to be a studied act of discourtesy; and they are unable to divest themselves of the belief that the recall of his Excellency has in a great measure resulted from the uncompromising manner in which he has upheld the constitutional position of the representative of the Crown; a position upon the due observance of which the rights and liberties of Her Majesty's subjects in New Zealand so greatly depend."

Forced to say something, the Duke of Buckingham (28th December, 1867) made it as like to nothing as possible, but

rounded off with a palpable equivocation. He had carefully examined the ministerial memorandum, but thought it neither necessary nor desirable to add to what he had written five months before in a despatch which contained no word about the slaughter of a Maori prisoner of war. As if the intelligence of colonists might be slighted with as much contempt as the life of a Maori, he added: "I may observe, however, that the intimation given for your convenience at the end of your term of office, that your successor would very shortly be appointed, seems to be mistaken for a premature recall." Such an equivocation could not even deceive himself, but it asserted the hereditary right of a Grenville to blunder and to create disaffection amongst distant subjects of the Queen. Fortunately the Grenville of 1867 was less potent for evil than his namesake of 1776.

In acknowledging the formal despatch in which the Duke of Buckingham announced the appointment of Sir George Bowen, Sir George Grey wrote: "I request your Grace to be pleased to state to the Queen that I present my duty to Her Majesty, and in receiving this notification of my Sovereign's pleasure, I beg to be permitted humbly to represent to Her Majesty that in the year 1845, a rebellion prevailing in New Zealand, I was by Her Majesty's commands especially sent to this country, and that when I relinquished the Government in the year 1854 it was my happiness to leave it in a state of tranquillity and prosperity; that in the year 1861, a rebellion having again broken out in New Zealand, I was once more specially sent here; and that it is again my happiness upon being removed by your Grace's advice from this Government, to leave New Zealand in a state of tranquillity and returning prosperity, and that I humbly represent to Her Majesty that I desire to claim no merit for these circumstances, but rather to attribute them to the blessing of Divine Providence, and to the abilities and exertions of Her Majesty's subjects who have advised me and aided me in my duties; and further, that I humbly trust that the almost unanimous voice of Her Majesty's subjects in New Zealand, amongst whom I have laboured in Her Majesty's service, will satisfy Her Majesty that I have done my utmost to promote the welfare and happiness of the inhabitants of this part of Her Majesty's

possessions." The Duke replied that this statement was evidently made under the misapprehension that Sir George was prematurely recalled, but he would "nevertheless lay the despatch before Her Majesty." There were various ways of keeping his promise, and it may safely be assumed that he took no noble way. Lord Derby, whose generous instincts might have otherwise exercised influence, was in failing health, and on the point of resignation. An alien, except with the buskin, to English life, was about to succeed him, and a gracious Queen was never asked to grant distinction or express common thanks to one who had rendered no common services. No further despatch on the subject was laid before Parliament.

The session of 1867 was marked by the introduction of a Bill to confer partial representation on the Maori race. The Governor congratulated the Assembly on the re-establishment of peace generally throughout the North Island, in no part of which was "systematic hostility" to be expected again. During the recess he had made a journey, partly on foot, and traversed native districts previously deemed unsafe. "I everywhere found the embers of disaffection dying out, and I was received by the Maori population, even in districts recently in rebellion, in such a manner as to inspire confidence in the future peace of the country." The Assembly met in July, and in August the Maori Representation Bill was brought in by Mr. McLean and Mr. Williamson. Mr. McLean proposed four members, and an attempt to reduce the number to two was defeated in Committee. On the 30th August, just after the despatch recalling Sir George Grey was laid before the Assembly, Mr. Reynolds (notorious for his activity in robbing the Maoris of their reserve at Dunedin) moved that the third reading of the Bill be postponed for six months, but only one "teller" was found on his side when a division was called for. In the Council the second reading was affirmed by 13 votes against 3, and amendments moved in Committee were successfully resisted; Colonel Whitmore's name being found, in each division, supporting the Bill, which was passed without amendment. An Act was also passed for the endowment of Maori education. The Native Lands Act was again amended, and one of its clauses enabled the Governor to refer the Manawatu land dispute to a Court. A Confiscated

Lands Bill enlarged the powers of the Governor. Among nearly a hundred Bills, passed in three months, was one "to authorize a loan of £7,000,000 sterling for the purpose of converting and consolidating the public loans of New Zealand," and a patriotic Maori might be pardoned for reflecting sadly that the lands which were chargeable to so vast an extent had been obtained for mere trifles; in many instances under cajolery, and in some by wrong and violence. More than £500,000 had fallen into the Colonial Treasury in 1866 from sales of land. The Loan Bill was amended in the Council. A conference failed to reconcile the Committees on the 4th October; but, on the 8th, a second conference was terminated by concession, and the amendments made by the Council were agreed to. By this measure various provincial loans were adopted as charges on the colony. A Public Debts Bill converted provincial into colonial securities. It was introduced late in the session, and was amended in the Council, but an important amendment was abandoned by that body after conference. Four members of the Council protested against the measure because it burdened the colony for the benefit of a few provincial creditors, and because the adoption of provincial debts by the colony bestowed an unjust boon on the bondholders,—the provincial bonds being in the market at a great discount as compared with the colonial. The Surplus Revenue Act was amended so as to relieve the northern provinces of some war liabilities, and Mr. Stafford thus strengthened himself in the House and the provinces at the expense of his consistency. At the latter end of the session he received so much support from Auckland members as to excite uncomplimentary remarks. Mr. Fitzherbert, the Treasurer (who also had been Treasurer to Mr. Weld), with candour which must have amused the House, reminded it that he had in four consecutive sessions made financial statements "not interruptedly, for the wisdom or fickleness of the New Zealand Parliament forbade such indulgence in the sweets of office." Content with driving out Mr. Stafford's first Treasurer, the House could afford to see him financially controlled by the man who under Mr. Weld had been driven from office on a financial question. After many years, the overdraft at the Bank of New Zealand had been swept away. Income and expenditure were



nearly balanced. The ordinary receipts exceeded the ordinary outgoings, and the extraordinary barely weighed down the contrary scale.

Among the causes which had swollen the Exchequer were the presence of an Imperial force, the consequent inflation of trade, and the rifling of the soil, which in seven years had yielded £13,000,000 sterling of its gold. Mr. Weld's efforts had reduced the colonial defence expenditure. It had been nearly £900,000 a-year when he took office. It was reduced in 1867 to £327,000. Commissary-General Jones had laboured with Major Richardson, a member (without portfolio) of Mr. Stafford's Government, to adjust the claims of the Imperial Government. The claims, as stated by Mr. Fitzherbert, were,—for capitation charge for troops, £353,817 10s.; compound interest capitalized annually, £167,278 7s. 1d.; advances for colonial troops, £582,156 17s. 7d.; miscellaneous, £201,710 14s. 7d.;—total, £1,304,963 9s. 3d. Major Richardson considered that more than half a million of the claim was inadmissible. After much correspondence, Mr. Jones quitted New Zealand abruptly, leaving his task unfinished, and assigning his failure to the fact that Major Richardson's commission pointed to inquiry into subjects beyond mere accounts, into which Mr. Jones had no authority to enter. The counter-claims put forward by Major Richardson were,—for colonial debentures sold at par, £500,000; military roads, £102,875 9s. 10d.; proportion of river transport charges, £97,329 0s. 11d.; miscellaneous, £206,652 4s. 11d.;—total, £906,856 15s. 8d. But besides these claims Major Richardson pleaded that further claims might justly be preferred, arising out of the peculiar relations of the colony and the Home Government when liability was incurred in repressing rebellion. The arguments recurred to the time when the Colonial Ministry under stress of their own misdoings at Waitara gave to Colonel Browne in 1860 a pledge to reimburse the Imperial Government for advances to militia and volunteers. Mr. Stafford's sins had come home to him. To coerce the Maoris he had made pledges of which when again in power he felt the pressure. But the axiom which declares that anything may be proved by figures implies that anything may in like manner be disproved. With much adroitness Major Richardson dealt not only with them,

but with the provocation to war which was represented in general terms, not as the act of its arch-promoters, but as that of Governor Browne. Indirect losses could thus be put forward much as under shelter of Mr. Gladstone's negotiations at Washington in 1871 they were urged by the United States as assets created by new retrospective arrangements. Speaking of Waitara, Major Richardson thought it "sufficient to state that the Governor (Browne) reported that the title of Teira and others having been minutely examined for several months, proved and extinguished by the Crown, a survey had been ordered in the usual manner, and that it was his intention in case of the rumoured resistance of Te Rangitake taking place, to enforce Her Majesty's right to deal with her own subjects without hindrance from any one not having a legitimate interest in the transaction." On the subsequent revelations that the alleged minute examination of title was untrustworthy—that Te Rangitake and his adherents had indisputable rights—and that in over-riding them the Government had violated the treaty of Waitangi—private and tribal rights, as well as their own repeated promises,—Major Richardson's report was almost silent, though it recorded the formal abandonment of the Waitara block. Those revelations have already been told in part. The result of a legal investigation will follow in due time. As to the Waikato war, Major Richardson admitted that, to avoid risk of murderous invasions, "the initiative was taken by General Cameron"; but with an inconsequential deduction that destroys the historical value of his laboured report, he concluded that the whole war "has unmistakably arisen from the necessity of vindicating Her Majesty's supremacy and the rights of British native subjects guaranteed by treaty with the Crown!" In the hands of such a mispriser of facts, figures might yield equally startling results; but Major Richardson relied mainly on the moral responsibility of the Crown, and the equitable claims of the colony. If the Duke of Newcastle had sternly checked the Waitara injustice, no complicity could have been imputed to the Imperial Government; but as accessory after the fact, he had made it difficult for the Imperial Government to hold aloof from the crime. On this point his colonial associates did not press that they were relieved by his sanction. Yet it was their strongest ground; for,

on the Duke's adoption of the course into which Colonel Browne was led in 1860, the subsequent events followed in hideous order. It may, however, have been felt, though not confessed, by New Zealand statesmen, that the Waitara case would not bear a strong light without revealing that the war of 1860 was not a rebellion, but resistance by a man wronged and attacked in his home. Major Richardson impeached the Imperial claims for compound interest,—denied that the colony was liable after 1st December, 1864, for the £40 per soldier, inasmuch as it had urged that the troops should be withdrawn if the demand were insisted on,—was of opinion that the Imperial Government would withdraw the claim for cost of the New Zealand Fencibles (£68,000) incurred when England was solely responsible for peace;—and after challenging various items, concluded his paper (for which Mr. Stafford expressed the thanks of the Government), by declaring that Great Britain was, as an accomplice in the war and the cause of much expenditure, bound to give substantial aid in lightening the burdens of a colony which “had passed not willingly but by force from the position of a co-operator to that of a principal in the suppression of the rebellion.” The irony of facts was never more severe than on this occasion. Major Richardson as a colleague of Mr. Stafford sent these words to the Governor in July, 1867, and Mr. Stafford thanked him for them with effusion. Nevertheless, in the previous year, facts had been proved at Taranaki which induced the Stafford Government to arrest inquiry, and by private compositions to withdraw from a court of law the further consideration of a case which threatened to show conclusively that the reiterated assertions made on behalf of the Government,—viz. that Teira's claim had been “minutely examined for several months,” found good, and fairly extinguished, were glaringly false. Although the Government eluded judgment in 1866, documents had been laid on the table of the Assembly in that year which refuted beyond all doubt the traditional untruth which the Stafford Ministry of 1866 inherited from its predecessor of 1860, and which Major Richardson endorsed. Those documents will be described hereafter. The financial policy of Mr. Stafford, though brought forward by him who had been Treasurer for Mr. Weld, was not unchallenged. Mr. Vogel impugned it in a motion

which was only rejected after repeated adjournments. Mr. Vogel's criticisms were heeded on various fiscal questions; and it was evident that he was about to be a power in the House, although in an attempt to shelve the Surplus Revenues Adjustment Bill he found only five coadjutors in opposing Mr. Fitzherbert.

Provincial liabilities still irritated New Zealand. In June, 1867, the Otago Council adopted a petition to the Queen, praying that a Bill might be brought into the Imperial Parliament to carve the North and Middle Islands into "separate and independent colonies with such provisions for a federal union" as might seem advisable. Their interests were distinct, and they did not desire to be dragged into extravagant expenditure in the north. Mr. Stafford and his colleagues deprecated compliance with the petition. Mr. Vogel (24th July) moved for a Committee "to inquire into the financial condition of the colony, and to recommend an equitable apportionment of colonial and provincial liabilities with a view to end the indefinite liability of the southern provinces for northern expenditure, and to give the northern provinces the control of northern affairs within their respective limits." On Mr. Fitzherbert's suggestion the House amended the proposition, resolving to appoint the Committee to ascertain "whether the indefinite liability of the southern provinces for northern expenditure can be limited, and if so whether any recommendation can be made for an equitable apportionment of colonial and provincial liabilities. Whether, and if so, in what manner, the control of native affairs can be conferred on the northern provinces within their respective limits." Mr. McLean demanded a ballot, and three of the names proposed by Mr. Vogel were rejected. Before the report was presented (30th September) the Surplus Revenues Bill had been passed, and Mr. Vogel could not hope to carry any proposition unacceptable to the Government. But there had been contention in the Committee. On the question that the report do lie on the table—Mr. Stafford having failed to add words requiring that the proceedings of the Committee and all propositions submitted in the Committee be appended—Mr. Hall carried, by 25 votes against 14, an addition "that the protests of the dissentient minority be expunged from the minutes of the

proceedings." Nevertheless, the pertinacity of Mr. Vogel had given him such a position that Mr. Fitzherbert made him one of a Committee of three members to confer with the Legislative Council on amendments in the Public Debts Bill. The waif from the gold-fields of Victoria was rapidly becoming a leading statesman in New Zealand, in spite of a rebuke administered to him by the Representatives on the 19th September. He had impugned the conduct of the Chairman of Committees. The House declared, by 42 votes against 2, its confidence in the uprightness of the chairman, and that Mr. Vogel's charges were unfounded, and "should not have been made." The distribution of surplus revenue might well stir men's minds in provinces distracted by debt, war, and massacre. From 1st July, 1858, to 30th June, 1867, the amount distributed was £1,780,000 (omitting fractions). The amount which ought to have been distributed was less by £183,000 than the sum distributed. Auckland had received £25,000 less; and Otago had received £25,000 more than was due, and other inequalities were to be redressed. High above such local differences rose the financial question. In November, Mr. Fitzherbert was accredited to England to deal with: 1. The consolidation of the various loans of New Zealand, and the investment of the sinking fund of the guaranteed loan of 1856 in New Zealand securities. 2. The settlement of all claims between the Imperial and Colonial Governments. 3. The establishment of a mint in New Zealand. 4. The defence of harbours and of the colony, and the disposal of sites hitherto granted for barracks within the colony. There were various indications that the Maoris<sup>1</sup> began to look to the law, to the New

<sup>1</sup> A singular episode in the changing Maori life occurred early in 1867. The Rev. Richard Taylor was about to visit England. He had been the fast friend of John Williams Hipango, the Christian chief who arrested the murderers of the Gilfillan family in 1846, had accompanied Mr. Taylor to England in 1855, presented in person Maori gifts to the Queen and to Prince Albert, and had in after years fallen in battle against the Hau Haus. The loyal chiefs now sent petitions to the Queen by the hand of Mr. Taylor, who was accompanied by young Hipango. Sir George Grey wrote a despatch, begging that the young chief might be presented to Her Majesty. Sorrow was expressed in the petitions about the taking of Maori lands. They did not know whether the law which confiscated them came from England, or from Wellington. They implored that some of them might

Zealand Parliament, or even beyond it to the Queen, to safeguard their rights. Patuki's appeals in the matter of the Maori reserve at Dunedin have been described. Not only the allies of the English, but those who had been in arms against them, were petitioners to the English Committee—the "Rungana nui o Niu Tireni" as they styled the "Assembly of New Zealand." Horomona Pohio petitioned for inquiry about land paid for, in 1847, by the Government to the Ngatitoa. "This was wrong, as that tribe went across of their own accord, and attacked my people, the Ngaitahu. Therefore we killed some of them by way of utu (reprisal). . . . The last battle fought was won by us, and so I think the land still belonged to us." He wanted to know why the disposal of land was not left to the owners.

The Committee did not think it politic to re-open such claims. Two hundred and fifty-six Turanga natives petitioned. "These are our troubles: our land that the Government is constantly trying to take away from us. After the cessation of hostilities some people were transported to the Chatham Islands, but the land was left untouched, neither was there anything said about taking our pieces of land . . . we inferred the only punishment this people were to suffer was in the dead who had fallen and the prisoners sent to the Chatham Islands. The blood has since dried, during two years, yet the word of the Government that we are to be deprived of our lands has only now come forth. It has been heard only during this year: had it been uttered during the fighting it would not have pained us so much, though

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be restored. Another subject of bitterness was the absence of Maoris from the Councils of Government. It was not right for one race only to judge. Wrong was thus perpetuated. "An unjust Court is summoned and much money wasted; the Court sits, and all is in confusion,—the spirit is wearied. . . . O Queen! let your love for us be expressed." They had fought for her. "If you behold this letter let your reply float over the ocean to us,—to your loving children." Amongst the petitioners were Hori Kingi, Mete Kingi, and Rangihwinui. They had no word to say against Sir George Grey. They were satisfied with him, but disapproved of his Ministry. Mr. Taylor besought some mark of distinction for young Hipango. The Duke of Buckingham evinced no sympathy. The petitioners were politely told that they must apply through the Governor, but that the Home Government would not reverse decisions in New Zealand on the matters to which the petitions related.

we did not join in the offence of the Hau Haus. Give heed, Assembly of Gentlemen! We are in great trouble by reason of what the Government has done in deceiving us, so that we might lose the whole of the level land of this district. It has been owing to the influence of us, the chiefs, that the greater portion of the country has been kept quiet, and our reward is that we are to be washed away by the tide." The Judge of the Lands Court had promised to hold a Court; twice they were deceived when they attended. . . . "We all assembled, but there was no Court. We wondered why we were annoyed everlastingly, and after considering for some time, we heard a word about the land being taken. The life-giving words came first; namely, the Native Lands Court was to be holden here. These were followed by the death-causing words, namely, the land was taken. We have waited for relief by law, but in vain." Captain Biggs had negotiated with them. "What he wanted was to get all the level country, and we might perch on the mountains. Thereupon we told him it must be left for the Land Court to give us relief. He replied, he would bring the land-taking Court. This was the first time we had heard such a name for the Court, and we were surprised." They appealed to the "gentlemen elected to devise such measures as promote the peace of the country."

Their allegations were found by the Committee to be correct. Neither the Native Lands Court, nor the Court appointed under "the East Coast Titles Investigation Act, 1866," had kept the times appointed and notified. The assembled natives retired disappointed. Mr. McLean's negotiations at the close of hostilities had unfortunately not been acted upon by the Government. When the two Courts failed, Captain Biggs and Mr. J. C. Richmond had failed also to solve disputes. The fiery Captain Biggs then recommended the Government to work under the New Zealand Settlements Act (the land-taking Court), but the Government shrunk from doing so, pending the session of 1867. The Committee recommended that there should be no farther delay in allowing the established Courts to go into operation in the district. After making all possible allowance it is hard to excuse the dilatoriness displayed by the Government at Turanga. A matter small in itself, but like a



spark in a magazine capable of much mischief, reflects little credit on the Government. Eight Turanga natives petitioned for the return of their "very valuable carved house, taken away without pretext by the Government." Mr. Richmond, a member of the Executive Council, had asked for it, and was told he could not have it. He replied, "That is all. I will cease to urge you." But after he departed a steamer arrived, and Captain Biggs carried away the house without sanction from the tribe. The name of Rahrui was first in order of the petitioners. The Committee reported that the house (Whare Waikaro) was a very fine specimen of native workmanship, and would be properly taken care of in the Wellington museum; that some money had been paid for it by Biggs to some Maoris; and that the house and land having belonged to rebel natives were, "strictly speaking, forfeited to the Government." It was admitted that the house stood on the land of the petitioner Rahrui.

There was no prophet to step in and say to the covetous Pakeha—Thou art the man!—and there was little attempt to gloze the transaction, which yet could not fail to embitter the feelings of the disaffected at Turanga, as well as those who were confined at the Chatham Islands, and were expectant of the release of which the Government had spoken to them. On the west coast, Te Kepa Rangihwinui used persuasions in favour of peace in November, 1867. Titokowaru also called a meeting at Te Ngutu-o-te Manu, a village built after the destruction of Pungarehu. Mr. Booth, resident magistrate at Patea, was present by invitation, and heard the speeches. Mr. Booth reported that Titokowaru had shown untiring energy in bringing other tribes to make peace from the date of the "first overtures for friendly relations." The Manawatu-block disputes still furnished petitioners, praying that the Native Lands Court might be brought into operation. That Court early obtained praise, and in 1886, the Pakeha Maori, Mr. Maning, officially reported that the Native Lands Act 1865 would "prove the most beneficial action we have ever attempted in native affairs, and that the good effects we may expect from it can scarcely be over-rated." The removal by that Act of restrictions upon sales by Maoris to Europeans, had been so freely adopted in some

places that the resident magistrate at Hawke's Bay appealed to the Government to protect the Maori from himself. *Prima peregrinos obscena Pecunia mores intulit.* Suddenly invested with unchecked control, prone to exchange land for the means of idleness and debauchery, the Maori was in many instances parting with his heritage so recklessly that a future of pauperism was in store for him, unless the Government would use their power of declining to assent to the alienation of reserves, and thus debar the existing generation from waste. The Pakeha Maori (Maning) was called upon to exercise a strange judicial function during the Parliamentary session of 1867. Quarrels arose about land, the title to which was to be brought before him. Two Ngapuhi warriors tottering with age stirred up the young, prone as themselves, to fight. Ancient tribal feuds were ransacked to envenom differences. The Judge in olden time had known the combatants, but kept himself aloof to do official justice. The Surveyor asked whether he should carry on the survey, backed by force. The Judge replied that he believed the man must be mad to ask such a question. The case had not come into Court, when two grantees and a claimant had been shot.

In June, the resident magistrate, Edward Williams (a son of Archdeacon Henry Williams), found the two parties on the brink of battle. They were within a few yards of each other, when he rode between them, and out of respect for him they retired; and subsequently agreed that he should be their arbitrator. He had not received the thanks of the Government for his intervention when the disputants met again, and though he endeavoured to interpose they commenced firing before his eyes. On the 10th July, he saw five killed and two wounded as he stood by the Ngarehauata. Fighting was more acceptable than law, and the magistrate's entreaties were disregarded, until, on the 16th July, the death of Archdeacon Williams drew off the sorrowing Maoris to attend his funeral. The scene which followed has been told in relation to his death. Judge Maning's proceedings deserve special mention. Before peace was finally made the hostile parties offered to make a truce, to attend the Court unarmed, and keep the peace while the Court was sitting. He declined to authorize in such a manner,

indirectly, a return to violence after his departure, adjourned his Court *sine die*, or until hostilities should cease, and intimated that probably all the Courts in the district would be closed. Meanwhile he joined his peaceful persuasions to those of others. The Hokianga chief, Abraham Taonui, aided the sons of the deceased Archdeacon, peace was made, and the land had rest.

Such was the aspect of New Zealand life, while the General Assembly in 1867 was busy with many things—passing an “Old Metal and Marine Store-dealers’ Bill,” regulating Friendly Societies, empowering a race-course board at Wairarapa to exchange certain lands, and dealing with the thousand objects which in all communities of Englishmen engross their time, but which, as common to all, require no special notice. The session was the last to be convened by Sir George Grey. The addresses he received from the two Houses and the remonstrance drawn up in his praise by his responsible advisers have been quoted. In December, 1867, he was requested to forward the final testimony of his Executive Council. “When immediately on the receipt of the first intimation that your Excellency would shortly be informed of the name of your successor, both Houses of the Legislature, by simultaneous addresses, marked their high regard for your Excellency personally, and their appreciation of your distinguished public services; and while numerous bodies of colonists hastened to re-echo those sentiments of respect which everywhere greeted you in your late visit throughout the provinces, we abstained from approaching your Excellency with any expression of sympathy, because we could not but believe that, at the close of your career in New Zealand, Her Majesty would have been advised to mark her appreciation of your services; but the tone of the late despatches addressed to your Excellency, impels us no longer to withhold the expression of the sentiments entertained towards you, by those who have witnessed, near at hand, the devotion to the empire and to public duty which has distinguished your long career. Seldom has a Governor been placed in circumstances more trying, and amid duties more conflicting and embarrassing. In so difficult a position we cannot but think that your Excellency might reasonably have expected that you would not have been left unprotected to bear the unjust aspersions to which you have

been exposed. Again and again during the last twenty-six years, where there has been danger and difficulty in the administration of colonial affairs, your Excellency's aid has been invoked by the most eminent statesmen of the day. Sacrifices you have disregarded, and trials have served as opportunities of evincing devotion to public duty, and we cannot but regard it as indicative of the indifference, if not positive disfavour, with which the colonies of the empire are regarded when loyalty, zeal, and high intelligence displayed in the administration of their affairs are passed by without even the courtesy of a cold acknowledgment. Nevertheless, it will be no mean gratification to your Excellency to feel assured that upon your retirement from the Government of New Zealand, it is universally recognized that in defence of constitutional Government, the honour of the colony entrusted to your guardianship, and the best interests of the empire, you have added to your other sacrifices that of the assured prospect of some still more honourable position in Her Majesty's service, or a distinguished retirement from the cares of office. We trust that the day may not be far distant when the high services you have so freely and ably rendered will meet with a fitting recognition. We pray your Excellency to accept these words as expressing the sentiment of Ministers who have had the honour of being associated with you in the administration of the affairs of New Zealand." The names of E. W. Stafford, William Fitzherbert, John Hall, T. M. Haultain, J. C. Richmond, J. H. Harris, and Major Richardson were attached to the address.

Sir George Grey replied : " It is fitting that I should briefly acknowledge the far more than friendly words which you have addressed to me on my removal from my office of Governor of New Zealand. These words coming from those who not only have seen and known the trials and difficulties I have had to encounter, but who also amidst those difficulties have been my advisers and fellow-labourers, are very valuable to me, and I shall often think of them in my retirement. I will only further say to those who by their advice, by their sympathy, and by their own toils and devotion to public duty, have so often guided my path in difficulties, and lightened the labours imposed upon me, that I thank them for the services they have

rendered their Queen and country; that I also thank them for their affectionate farewell, and that whatever may be the future trials and changes of my life, I shall always think myself fortunate that they were so long given me as companions and associates in the trying duties I had to perform in New Zealand." The framers of the address could not complain of any terms applied to it by the Duke of Buckingham. Its receipt was acknowledged without a word of comment. Well might Rajah (Sir James) Brooke groan in bitterness of spirit that the fiction that honours were conferred by the Queen could barely make them respectable. Well might one who had been Under-Secretary for the Colonies<sup>1</sup> declare that the manner in which distinctions were conferred by the Colonial Office was fitted to degrade them. When the Duke of Buckingham thus superciliously set aside the protestations of the Executive Council of New Zealand with regard to the public services of a man for whom several of them could in no manner be supposed to be prejudiced, there was in a neighbouring colony another man in full career on the path to titular honour obtained in the manner denounced by Mr. Merivale. Convicted of sedition in 1844, but set at large on technical grounds,—reverting to seditious practices but evading the personal risks to which he incited others, for the desertion of whom one of the most resolute among them branded him as "a pitiable blaspheming traitor,"—intriguing against his Sovereign, against his reputed leader Daniel O'Connell, against his country and his oaths in the House of Commons and in a colony,—fawning upon his countryman O'Shanassy in Victoria, until he had obtained a title and a pension, and then spurning the patron whom he no longer needed,—Mr. Charles G. Duffy pursued the primrose way to the favours of Downing Street. They could not convert him from that to which he was in a manner born, but the method of their distribution might sour the minds of others more loyal than he. History has different garlands to dispense, and strikes a juster balance between the ignoble and the worthy. One gathers honour with time, while the distinctions of the other excite disgust.

Sir George Ferguson Bowen assumed office as Governor of New Zealand on the 5th February, 1868. His predecessor

<sup>1</sup> Herman Merivale.

remained in the colony until, at the close of the year, he hastened to England to fight his battles in person, and to press upon the Colonial Office the propriety of doing right in regard to the slaughtered Maori prisoner of war. Sir George Bowen thought it becoming to show public respect towards the superseded Governor. He informed the Colonial Office that Sir G. Grey was to be entertained at a banquet (at which Sir David Monro was to preside), and that, having been invited, he would have much pleasure in evincing his sense of the personal courtesy and consideration he had received from his "able and accomplished predecessor, whose name will be inseparably connected with the history of this colony."

## CHAPTER XIV.

## NATIVE LAND COURT.

It is proper to examine the working of the Native Lands Court, constituted under the Native Lands Act of 1865. Two or three cases which were brought before the Land Court and before the Compensation Court created under the New Zealand Settlements Act, will throw light upon many previous occurrences dealt with in these pages. One enabled justice to cast a momentary ray upon the shameful wrong done to the loyal Ngatiawa chief, Te Rangitake, at the Waitara. It would have been easy to state the final result, and then to dismiss the subject. But by such a course the true history of New Zealand would have been concealed ; and by such a course the numerous misrepresentations in other works would have been contradicted but not disproved. The act done at Waitara by Governor Browne was the plague-spot which corrupted the subsequent life of the colony. He himself, and Mr. Richmond, wrote despatches and minutes, as bulky as volumes, in which they contended that the prayer of Sir William Martin and others for judicial inquiry was ridiculous, and that the title of Teira, so rashly accepted by Governor Browne, had been "duly investigated" and found good. Two or three sentences written by Governor Browne and Mr. Richmond may be quoted before the proceedings of the Land Court are told. To the Secretary of State the Governor wrote (March, 1860): "I have insisted on this comparatively valueless purchase, because if I had admitted the right of a chief to interfere between me and the lawful proprietors of the soil, I should soon have found further acquisition of territory impossible in any part of New Zealand." A published manifesto prepared for the Governor by his Ministry



declared: "Te Teira's title has been carefully investigated and found to be good. It is not disputed by any one. The Governor cannot therefore allow Te Rangitake to interfere with Te Teira in the sale of his own land." To his shame it must be said that Mr. Donald McLean abetted this manifesto. In the same despatch which transmitted that manifesto to England was enclosed a memorandum by Mr. Richmond, imploring for troops. Mr. Richmond wrote: "An occasion has now arisen on which it has become necessary to enforce obedience to the Governor's decision by a military force. The issue has been carefully chosen—the particular question being as favourable a one of its class as could have been selected." The reader will form his own conclusions as to the class, after scrutinizing the special and favourable case thus gravely averred to have been carefully chosen. It is only necessary to refer generally to the earnest intercessions of Sir William Martin, the Bishop, and Archdeacon Hadfield, in favour of judicial inquiry, and the contempt with which they were thrust aside. The land at the Waitara was included in the blocks confiscated in the Taranaki province in September, 1865. It will be remembered that within confiscated tracts, the Government undertook to reserve and award lands to loyal natives who had tribal rights in the district. Rebels were also invited to declare their allegiance, and thus entitle themselves to restoration of such lands as might be allotted to them. To ascertain the proper quantities to be awarded in the Taranaki province a Government Gazette notice intimated in March, 1866, that a Compensation Court would be "holden at New Plymouth (Taranaki), for the purpose of hearing and determining the claims of persons to compensation on account of the taking under the authority of the New Zealand Settlements Act of the blocks of land in the province of Taranaki hereunder described." The blocks were described by certain boundaries as the Waitara South, and the Oakura. The first-named included the land which Governor Browne professed to buy from Teira in 1859, and which was abandoned by the Government in 1863. The Oakura case was first undertaken. The Judges of the Compensation Court were Mr. Fenton sitting as Senior Judge, and Messrs. J. Rogan and H. A. M. Monro sitting as Judges. It will be remembered that Mr. Fenton was also

Chief Judge of the Native Land Court. Mr. W. S. Atkinson appeared as Crown Agent to oppose the claims of the natives. His contention was peculiar. By the Settlements Act the Crown could elect whether to give compensation in land or in money. He elected "to give land in lieu of money." But the Oakura block was supposed to contain from 25,000 to 26,000 acres, and the Crown or its agents, without regard to possible or probable claims of loyal natives, had authorized occupation by European settlers to such an extent that only 2500 acres remained to satisfy any awards which might be made by the Compensation Court. Mr. Atkinson pleaded generally, as Mr. Fox and his friends had often urged, that the natives did not really exercise ownership, and only used about 1000 acres properly. On this point a chief replied: "As to the extent of our cultivations, I call attention of the Court to our live stock on the land. I demand that our compensation be within the block; the blood of my relatives is on the land. Remember my services during the war. My cattle, my sheep, my pigs, and all my property went in the war; my wheat and my cultivations; and I never received any compensation for them, though the Pakehas have all been compensated. What I did was not rewarded. Let the Government now fulfil its promises." Mr. Atkinson was unable or unwilling to produce any evidence as to the lawful settlement of military settlers on, or of the disposal of, the block by sale, to such an extent as to leave an insufficient quantity of land to meet the claims of natives, which claims were contemplated in the Act, and had been repeatedly and solemnly guaranteed by the Government. In a proclamation of the 17th December, 1864, there was the unshakable sentence: "The land of those natives who have adhered to the Queen shall be secured to them." There had been other intimations of like purport. The Court considered and admitted 76 claims in a manner which may be told in their own words.<sup>1</sup> "Having thus arrived at the, to us, unavoidable conclusion that the claimants before us were entitled to 7400 acres of good land in this block, and having accepted Mr. Atkinson's assertions that the whole of the available land, except 2500 acres, had been appropriated to military settlers, the question then arose, What are we to do?

<sup>1</sup> N. Z. P. P. 1866; A. No. 13.

We thought that possibly the Government were not aware of the large majority of owners of this land, who had remained loyal, and reflecting on the great public calamity which would be caused, and the serious embarrassment which would occur to the Government if we issued orders of the Court extending, as they would have done, over the lands of considerable numbers of these military settlers, we determined to despatch one of our number to Wellington to place the state of affairs before the Government, and give them an opportunity of availing themselves of the power given to the Colonial Secretary by the 9th clause of the Act of 1865.<sup>1</sup> We accordingly postponed our decision, and Mr. Rogan went to Wellington, whilst Mr. Monro and I proceeded with the case of Waitara South. Mr. Rogan returned with the Honourable Colonel Russell, the Minister for Native Affairs, who effected an arrangement with the claimants, and ultimately all the claims except one, that of Rawiri Motuere, were withdrawn to our satisfaction. What the terms of Colonel Russell's arrangement were, the Court did not think it their duty to inquire. In consequence of this agreement having been come to, no adjudication was made by the Court, as our jurisdiction was gone. . . . In the case of Rawiri Motuere, who had returned home to Waikanae, the Court accepted the undertaking of the resident owners to admit him as one of themselves."

Such was the measured language of the judicial report. But more might have been told. The section of the Taranaki community which had so largely promoted discord through its covetous agents and representatives in former days, was indignant at the thought that even loyal natives should maintain a footing on the land through the action of a Court of Law. It mattered not that the claimants in 1866 had in 1863 gone out, when many Europeans declined, to rescue and escort to the town the scattered settlers whose lives were in danger after the

<sup>1</sup> By that section the Colonial Secretary could on behalf of the Government agree out of Court with any claimant to give him money, or land, or both, to withdraw his claim. By section 10 the same functionary might "at any time before judgment or award, elect to give the claimant land in lieu of money out of any land within the province, subject to the provisions of the said Acts," &c. The Compensation Court, or the arbitrators or umpire, were still to "determine the extent of land so to be given as compensation."

Oakura massacre. It mattered not that by now striving to strangle the claims of their allies in war, the settlers were doing their utmost to prove the truth of the prophecy, that, when alleged rebellion had been dealt with, loyal Maoris would be robbed. The passions of the dwellers in Taranaki darkened their judgment. The nature of the settlement arrived at by the Native Minister may be told in few words. Mr. Parris acted as native agent. Mr. Atkinson "applied for and obtained a suspension of judgment for two days," and offered to the natives "the whole of the remaining land in the Oakura block." Parris on behalf of the Maoris accepted the offer if "intended to include all the Government reserves and the whole of the land not allotted to military settlers." Atkinson consented. The land thus restored to the original joint-owners (according to Parris's statement) exceeded 10,000 acres. That held by military settlers contained 18,930 acres. Every one familiar with the conversation of the settlers is aware that the restoration of lands to the Maoris has been made the constant theme of ridicule. The use made by the military settlers of their lands may be illustrated by the result at Taranaki. The three prescribed years of service terminated in 1866, and nearly all of the settlers sold their lands and left the province. The historian of the province ascribes their departure to the unfitness of many of them for rural life, and to the inability of the local government to employ them, or to make roads amongst their farms. As a proof of the tenacity of the Taranaki mind to the course pursued with regard to the natives, it is right to mention that although that historian<sup>1</sup> devotes some space to the departure of the military settlers and the absorption of their lands by other Europeans in 1866 and 1867, he says not one word of the sitting of the Compensation Court and the emergency in which one of its Judges was despatched to Wellington to induce the Government to find a way of escape from the exposure which was dreaded. A further proof of the pertinacity displayed is to be found in the fact that when a Maori prophet, Te Whiti, stirred up his disciples, and a West Coast Commission was appointed in 1880, it was proved that the Government had not at that date taken steps to comply with the contract made by the Native Minister

<sup>1</sup> 'History of Taranaki.' B. Wells. 1878.

with the Maoris in 1866. To promise and not to perform was the accepted method of dealing with Maori claims by the numerous Ministries which existed in the colony from 1866 to 1880. Within that period there was occasion for many claimants to die. The urn of fate combined with weapons of war in removing suppliants or appellants from the scene in which they troubled the heirs of Colonel Wakefield's devices.

Startling revelations were made at Waitara, where the native ownership of the ill-famed Waitara block was incidentally brought under the eye of the law. Teira and his friends appeared before the Court to establish their claims on the 4th July, 1866. The exiled rebels were of course unrepresented, but in order to prevent exorbitance of the claims of Teira and others, the Government were of necessity constrained to put forward some portion of that which would have been the case of the absentees if they had not been barred. Their hereditary rights, concluded by their imputed rebellion, could be used to rebut the claims of others. The Government Agent in the Court was a Mr. Atkinson. Tamati Tiraurau of the Ngatiuenuku hapu (of the Ngatiawa tribe), of which Te Rangitake was the principal chief, was first examined. The evidence of Teira will be sufficient for the purposes of this narrative.

It will be remembered that under the Native Rights Act of 1865, native title and interests in land were to be determined in all cases according to the ancient custom and usage of the Maori people so far as they could be ascertained. It was the practice of the Land Court to receive copious evidence and frequently to frame genealogical tables, which, when established by concurring testimony, often decided cases to general satisfaction. There were many Maoris present when Teira was examined (about 400 of them attended the Court). Teira said he was of the Ngatiuneku tribe. The hapus, or sub-tribes, which were part-owners of "Taylor's piece" (as the block bought by Colonel Browne was termed), were Ngatirangiroa, of which a woman, Mauirangi, was chief—Ngatiuenuku, of which the witness and Te Rangitake were chiefs; Ngatihinga, whose chief was Hemi Pataka; Ngatihineuru, of which Rewiri Kaiuri was chief; Ngatihua, whose chief was Parani Tukoko; and Ngatitua, whose chiefs were the witness, and Ropoama Te One. The

tribes enumerated were all hapus of the Ngatiawa. In the solemn atmosphere of a Court of Justice, and surrounded by Maoris who could refute mis-statements, the man who to wreak his spite against Te Rangitake had lied to Governor Browne, was compelled to admit that several hapus had interests in the block which he had been put forward, and had been accepted as competent, to sell in 1859, without tribal concurrence. He essayed, even in 1866, to maintain his evil reputation. When a table of descent was framed from the evidence it was found that Teira was seventh in descent from Tarikura; while, from her sister Parekaita, Te Rangitake was fifth in descent, and had therefore a better title than Teira as being more nearly related to the common ancestor. When reminded of this, Teira had the effrontery to say that proximity of descent made no difference in heritage; but the Maoris in the Court significantly evinced their dissent. A further catastrophe awaited the claim which Colonel Browne's advisers had pronounced to be good. Ascending higher towards the family founder it was found that the two sisters above-named derived their descent from a female ancestress, Nenuku, whose brother was Te Wheturereao. From Te Wheturereao in the male line, Te Rangitake traced a direct and incontrovertible descent. Thus, in addition to representing a wider circle within the tribe, Te Rangitake boasted direct descent from the house-father, so dear to Maori hearts.

It would perhaps be too much to say that by Maori as by Roman law, agnatic was invariably preferred to cognatic inheritance, although the reverence for the ancestor, or eponymous hero of a tribe, would give much sanction to such a theory. One careful and learned writer, Colenso,<sup>1</sup> distinctly declares the "order of succession of inheritance as clearly shown in Maori genealogical recitals was from father to son." The transfer of tribal leadership, from the unworthy to the worthy, of which there were well-known instances, perhaps forbids the laying down of an irreversible canon on the subject. But the carved images of their great forefathers in the Maori meeting-houses were perpetual memorials of Maori custom and tradition, if not of positive law. But this the brazen Teira was ready to challenge. Asked whether the proven descent from Te

<sup>1</sup> 'Transactions of N. Z. Institute, 1868,' vol. i. p 363.

Wheturererao did not establish Te Rangitake's claim as superior to his own, he desperately denied the fact. His own followers were so amused or shocked at this affirmation that they made demonstrations of dissent.

The Court tested Teira on a more general principle.

"You say that an individual Maori can sell land?—Yes. And that a single Maori could sell land before the Government came here?—Yes. Could he have sold to any one?—Yes. Could he have sold to another Maori?—Yes. Now could you have sold this piece (the Waitara block) to Kukutai,<sup>1</sup> or to Te Awaitaia?—Yes. And would the tribe have let them take possession?—Yes. And build a pah upon it?—Yes."


At this daring denial of well-known Maori usage, Teira's friends burst into laughter so loud and derisive that the baffled liar, looking round and seeing that further imposture was hopeless, rushed out of the Court.

One touch from the wand of justice had destroyed the baseless fabric on which Colonel Browne and his advisers endeavoured to justify the robbery of Te Rangitake. The visions of which Sir William Martin had denounced the folly were dissolved; but not without leaving a rack behind. The Majesty of England pawned to do a great wrong: the home, the church of a loyal chief wantonly sacked by the Queen's troops although that chief was believed to have saved Wellington from destruction after the Wairau massacre in 1843;—a solemn treaty shamefully violated in defiance of the warnings of that just man who had been Chief Judge of the colony; the blood of thousands of loyal Maoris, (resenting injustice) spilt upon their land in futile strife with the mighty engines arrayed against them; the desperate hearts of many driven to fulfil the prophecy of Sir William Martin and to spurn the creed tendered to them by those whom they believed to be a nation of liars; the Bishop, who had lived in their affections, and, welcome in every Maori village, could wander through mountains and forests at will, turned into an object of aversion because in endeavouring to temper the horrors of war he had accompanied the conquering army of the Queen!

<sup>1</sup> Both these chiefs were Waikato men who joined in the invasion of the Taranaki territories when Pukerangiora was sacked and Nga Motu was saved.



These were the fruits of the policy which Governor Browne abetted in 1859, when he was tempted to abandon his opposition to the schemes which in 1858 he had denounced as framed to rob the Maoris of their land—“*Recte si possint, si non quocunque modo.*” And this was the policy which after such a significant warning from the Governor, the Duke of Newcastle had formally approved, though he admitted subsequently that he deemed it reprehensible. By retributive justice, Stafford, the head of the Ministry by which the wrong was done, was Premier when it was exposed; and the Crown Agent, a member of that section of the Taranaki community which had urged the crime, was in 1866 the unwitting tool by which the truth was brought to light. In resisting the claims, in order to diminish the unholy wages, of Teira, the Government was constrained to make clear the title of Te Rangitake. But although Teira's evidence, and that of Kirikimero, Tamati Tiraurau, and others established completely Te Rangitake's original title. Te Rangitake could obtain no benefit from the proof. He, as a rebel, had no standing in the Court. The “carefully chosen issue” of Mr. C. W. Richmond had been sufficient for the purposes of Taranaki avarice. The confiscation of the land under the Settlements Act of Whitaker and Fox professed to bar all claims of those directly or indirectly concerned in the war. Violence in seizing upon the land had been resorted to in order to convert Te Rangitake into a rebel, and the device had been successful enough to satisfy not only Mr. Richmond and his Taranaki friends but a majority in the New Zealand Assembly. There might have been an argument raised that as the Maori title was tribal, the abrogation of the rights of the rebels left their loyal tribesmen with rights co-extensive with the area of the tribal domain, but no New Zealand Government would tolerate the raising of such an issue in the Courts. In reporting their proceedings at Taranaki in 1866, the views of the Judges on Maori tenure were succinctly stated. “Each individual has a right as against the rest of his tribe, to a pretty well defined piece of land, part of the tribal estate, which he could hold and cultivate as against any member of the tribe; but his power extended no further. He could not alienate it out of the tribe; and, if he abandoned it, another member could take possession. The tribal estate belonged to



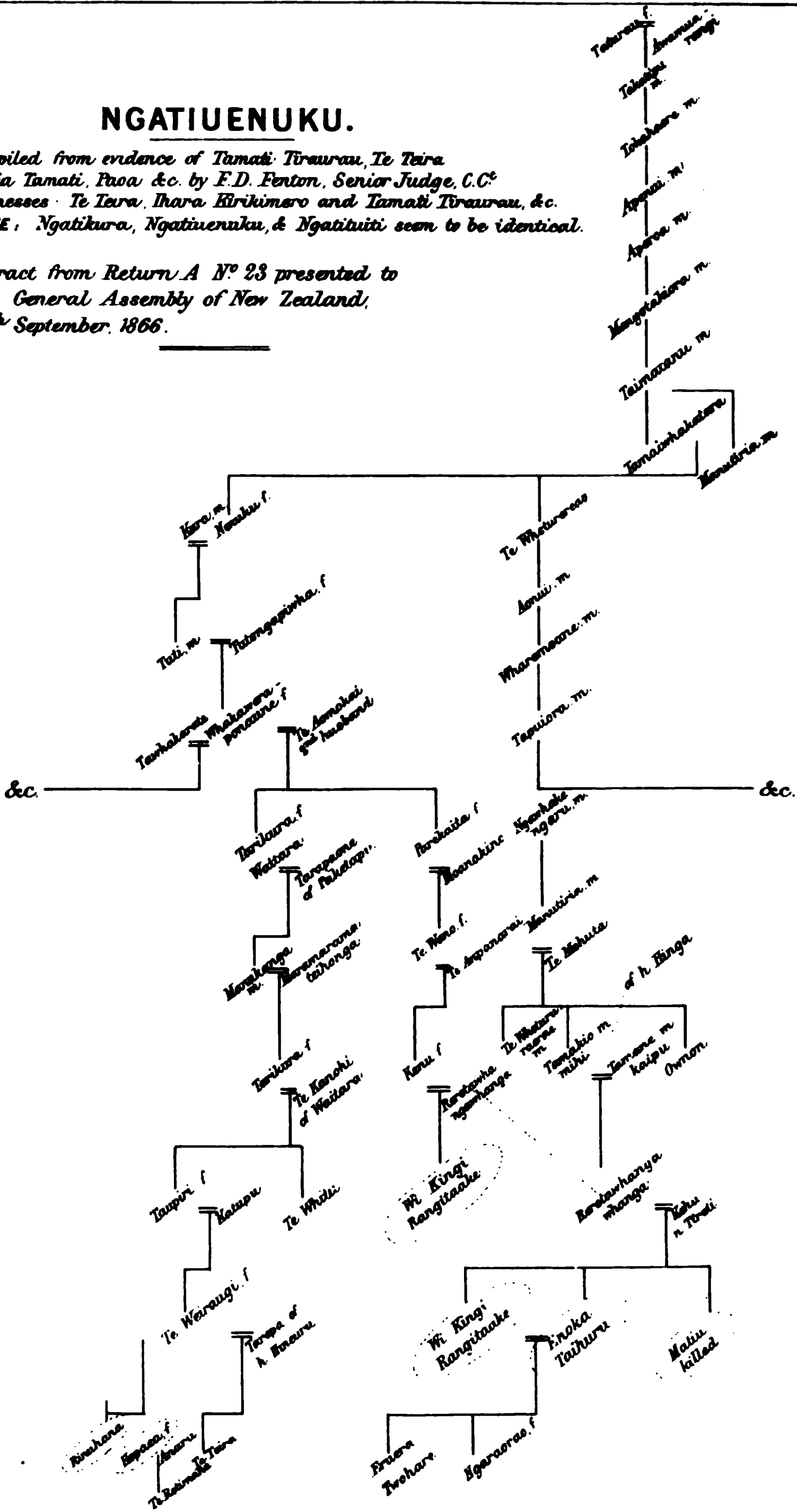
the tribe, and no man could weaken the tribe by alienating any part of it to another tribe, or person out of the tribe, or to any outsider." By the treaty of Waitangi the Queen had guaranteed "to the chiefs and tribes of New Zealand and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, and fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession." It would have been difficult to maintain in a Court of Justice that the forcible extinction of the rights of Te Rangitake could abrogate those paramount tribal rights which ran over the whole domain, and by which each member was invested with concurrent tribal rights. The joint-tenancy known to English law recognized the *jus accrescendi* of each remaining owner at the time of the removal of any of his co-tenants. The hereditary tribal right could not be weaker than the artificial ownership created by joint-tenancy. It added to all the favourable incidents of joint-tenancy the crowning quality that each man born into the tribe became invested in his turn with the common right. So long as the tribe might exist, so long was there a man to stand upon the soil and assert the common ownership. Even the ephemeral joint-tenancy of English law preserved the whole of the estate to the last survivor. Could it be said that the forfeiture of his allegiance by one man could divest all his tribe of their inheritance? If so, some vile creature might be bribed at any time to destroy his people by some act to be put forward by the Government as an excuse for confiscation of tribal lands. But reason and justice had been silenced in New Zealand. When the New Zealand Settlements Act was passed by Whitaker and Fox in 1863 a point of tyranny was reached from which Henry VIII. had abstained. He, when he desired to bring within his grasp the possessions of his victims, procured a repeal of the law which protected estates-tail from forfeiture for treason. He resorted to the only tribunal needful in that matter. In New Zealand no law could be honourably proposed or passed by the Europeans in violation of the treaty of Waitangi. Only by the formalities by which that treaty had been made, could it be undone, or its sanctions be changed. But the dry light of justice was obscured when Whitaker and



# NGATI UENUKU.

*Compiled from evidence of Tamati Tiraurau, Te Tera Ihara Tamati, Paoa &c. by F.D. Fenton, Senior Judge, C.C.<sup>t</sup>  
Witnesses Te Tera Ihara Kirikimero and Tamati Tiraurau, &c.  
NOTE: Ngatikura, Ngatiuenuku, & Ngatituiti seem to be identical.*

*Extract from Return A N<sup>o</sup> 23 presented to  
the General Assembly of New Zealand,  
24<sup>th</sup> September, 1866.*



Fox darkened the political hemisphere, and the Assembly passed the Settlements Act of 1863. During the Weld Administration in 1865 the influence of himself, Mr. Mantell, and Mr. Fitzgerald, and the labours of Sir William Martin and Mr. Fenton, purified the air, and by the working of the Native Rights Act and the Native Lands Act some gleams of light were admitted to the gloom in which justice had been shrouded.

The wrongs of Te Rangitake need no further comment in these pages, though in finally dismissing them it is not out of place to remind the reader that in July, 1867, Major Richardson, one of Mr. Stafford's colleagues, in an elaborate report hazarded the statement that the whole war had "unmistakably arisen from the necessity of vindicating Her Majesty's supremacy and the rights of British native subjects guaranteed by treaty with the Crown." Before that report was received and lauded by Mr. Stafford, the Compensation Court had wrung the truth out of the mouths of Teira and others, and to prevent exposure or avoid inconvenience, the Government had eluded the delivery of judgments, in the Oakura and Waitara cases, by compositions out of Court which ousted the Court from jurisdiction. Mr. Richardson's assertion requires no other comment than the remark that if he believed what he wrote, the self-deception possible with man is immeasurable. The papers relating to the sitting of the Court were laid on the table by command, and were ordered to be printed on the 4th October, 1866. The genealogies of the tribes, as compiled by the Senior Judge, Fenton, were laid on the table on the 24th September, 1866, but were not ordered to be printed until, in the session of 1867, Mr. Carleton, on whose motion the other papers were printed in 1866, succeeded (though not without a division in which 18 members opposed him) in causing the genealogies of Teira and Te Rangitake to be preserved in the blue-books.<sup>1</sup> It may be well to glance at the result of the Waitara negotiations. The Crown Agent, Atkinson, procured adjournments from time to time. He also impugned

<sup>1</sup> They are printed (1867. N. Z. P. P; A. No. 23) as 'Genealogies of certain Maori Families,' without a word to connect them with the disputed Waitara block, or with the sitting of the Compensation Court. Even so they are useful to those who sedulously follow the thread of New Zealand story. Te Rangitake and Teira belonged to the Ngatiuenuku hapu or section of the Ngatiawa tribe.

the validity of Donald McLean's proceedings. He denied that McLean's appointment had been proved, and urged that McLean's recognition of, and promises to, absentee owners ought to form no precedent for the Court, inasmuch as McLean might have been constrained by a desire to pacify the Maoris. Atkinson also maintained that one Government was not bound by the acts of its predecessors. The Court over-ruled him in each case. On the last point they said: "We doubt very much whether the doctrine expressed is a good doctrine even in politics; certainly in Courts of Law, in matters of right affecting the Crown, it must be held to be bad doctrine." Forty-two claimants had been admitted when the Government deemed it advisable to settle the Waitara investigation, like that of Oakura, by arrangement out of Court. There was an adjournment to afford "time and opportunity" for negotiation. On the 10th July, Atkinson proposed to Parris to give to "the friendly residents and absentee natives and half-castes . . . the whole of the block to seaward of the military settlements in the Waitara south block with the exception of the Waitara township . . . the whole of the reserves in the military settlements with the exception of the town belts . . . a fourth part of the land comprised in the township of Waitara outside of that intended for the town, present and future, comprising about 500 acres . . . 125 sections in the Waitara Township . . . and also sections on the site of the Hurirapa pah." To these terms Parris on behalf of the natives agreed. The land thus stipulated for exceeded 11,000 acres, but its quality was, according to Mr. Parris, very inferior to the 14,000 acres comprised in the military settlers' allotments in the block. This restitution was viewed with anguish by the more petulant amongst the advocates of confiscation of Maori lands. The claims being withdrawn from the Court, the defence of the Crown on their merits was not entered upon. So much has been written about what Colonel Browne called the "comparatively valueless purchase" from Teira that its disappearance from the field of strife deserved special notice. Many volumes have been written to defend that fatal wrong which in 1859 and 1860 plunged the races into war. Others have been written to denounce it. Now for the first time are arrayed together the facts which enable the curious to see in one

work the contention of its champions and of its opponents. All impartial persons must admit that the rape of the Waitara was an act which can never be sufficiently mourned by those who hold dear the honour of England. Would that it could be blotted out! It may not be; its deadly poison envenoms still every relation between Pakeha and Maori.

Another case brought before the Compensation Court must be recorded. The Rev. Heta Tarawhiti was left in charge of the mission station at Taupiri on the Waikato river when the war of 1863 drove all Europeans from the district. No threats could deter him from his duties. Bishop Selwyn's testimony to that effect has been recorded. Tarawhiti applied (under the Settlements Act and the Government proclamations) for a block of land within his native territory, Central Waikato. At a Compensation Court held in January, 1867, at Ngaruawahia, Mr. Mackay on the part of the Crown admitted Tarawhiti's interest in the lands taken from his tribe by confiscation, but alleged that the claimant had barred himself from compensation by aiding or comforting rebels, or conspiring against the Queen, or joining with conspirators, &c. Such acts under certain provisions of the Settlements Act of Fox and Whitaker deprived a Maori of hope of compensation.

Mr. Mackay thought it sufficient to allege generally that the Rev. H. Tarawhiti had infringed the Act, but when asked by the claimant's counsel to define the charges—"declined to bind himself to anything, or even to state decisively the times and places where the acts to be proved were committed." So monstrous an injustice could not find favour in a British Court, and Mr. Mackay was fain to apply for an adjournment of two months, which was granted. He still declined to put his "accusations into form." On the 12th March, the case was resumed at Auckland. Evidence was taken generally, the Crown Agent still abstaining from formulating his accusations. Again, on the 12th April, evidence was taken. On the 18th April, Fenton, the Senior Judge, with Mr. Monro, Judge, delivered judgment. They commented on the course which, "in the absence of any specific charge against the claimant," left the Court "to abstract from the closing address of the counsel for the Crown the points on which he relied." They might have added that such a course was in direct violation of cherished statutes which guard



in England the liberty of the subject. The charges so extracted were—that the claimant, “though left in charge of the Taupiri station, wandered about ministering amongst rebels,—that in his ministrations he omitted the prayer for the Queen, and inserted a prayer for the Maori king (so-called)—and that he supplied sheep and other food” to rebels. Bishop Selwyn<sup>1</sup> had given evidence, and distinctly stated that he had instructed Tarawhiti to minister to all sick and wounded without fear or favour. As to the prayer for Matutaera, the Bishop also declared that the practice of praying for the principal chief of a place was usual, and was conformed to by the Bishop himself. The claimant averred that he never omitted the prayer for the Queen when using the Book of Prayer. The Court believed him, and did not think the omission of the Queen’s name in an extempore prayer could be construed as “comforting, or adhering to, or aiding rebels.” As to the supply of sheep, the claimant stated that he had none in 1863 when the offence was charged. Mr. Ashwell testified that he had given Tarawhiti some sheep in 1860, and had put others in his charge for Matutaera, for the king-maker, and two other natives. Tarawhiti declared that on the marriage of a son, in 1861, he gave him all his sheep. At the end of 1863, when General Cameron’s army devastated the Lower Waikato, the king-maker sent to demand ten sheep as the property of himself and of his king. Tarawhiti disputed the number, alleging that six only belonged to them. The messenger seized and killed ten. In passing, the Court remarked upon the singular fact that there were many sheep at the station deemed to be the property of the mission or of a missionary, and that the Maoris respected them during the war. The Bishop declared that he afterwards found 140 sheep “more than he expected.” The charge of supplying sheep was set aside. That of giving food was more colourable. Matutaera, the king, had taken food at the station. Tarawhiti declared that he had no quantity of food to give. He

<sup>1</sup> The Bishop was so shocked at the attempt on the part of the Crown to punish a minister for comforting a wounded rebel, that the Judge was constrained to ask him to moderate his indignation in the court. Reviled himself for striving to do justice, the Bishop, revolted from the injustice sought to be inflicted upon Tarawhiti.

received but £20 a year from the Bishop. If his store had been large he would have given it. "Let the food perish, so that I remain alive." The Court pronounced that "alone as the claimant was among rebels in arms" it could not reasonably be supposed that they would have abstained from supplying themselves, and that submission in such a case was, according to Sir Michael Foster, not criminal. There was one charge made by Mr. Mackay which was withdrawn by counsel. Tarawhiti was arraigned for attending the death-bed of Te Whareupu. Commenting on the graceful withdrawal of the charge by counsel, the Court said that Mr. Brookfield "doubtless recognized, with the Court, in the conduct of Tarawhiti the same Christian sentiment which induced the Commodore to send thither his medical advisers." After a careful summary of the facts the judgment concluded thus: "In the judgment of this Court the Crown has failed to prove that the claimant has done any of the things mentioned. . . . It was the hope of the Court when the case was closed that the Crown Agents, having discovered that the circumstances which appeared to them suspicious had been disproved or explained away, would have gracefully withdrawn the whole of the charges, and admitted the right of this claimant to the compensation which the Legislature has provided for loyal citizens whose property has been taken under power of the New Zealand Settlements Act, 1863. This course was not taken. The Court therefore feels itself called upon to conclude by adding that the Rev. Heta Tarawhiti leaves this Court with his name untainted as a loyal subject of Her Majesty, and with his character high in our estimation as a good and courageous clergyman. We are unable to see in the matter before us any grounds of reasonable suspicion even; and the Court is entirely at a loss to discover any grounds for the remarkable pertinacity with which Mr. Mackay has pushed this case, nor can it refrain from expressing its surprise that that officer, on the occasion of the second adjournment, refused the very reasonable request of Mr. MacCormick, the counsel for the claimant, for a statement of the charges against his client." It was added that the case was the only instance of its kind which had come under the experience of the Judges present. The judgment of the Court must have given unalloyed pleasure to many, but to none more

than to the good Sir William Martin, the personal friend of Tarawhiti.

A case tried before the Native Lands Court in 1869 may be selected to illustrate its working. The anachronism of inserting it here will be outweighed by the convenience of placing it in juxtaposition with the Oakura and South Waitara investigations. In 1869 a cloud loomed at Wanganui. The Rangitikei tribal dispute about land, which had so often been before the Government, seemed about to burst into war. The General Assembly, fearing to take a wrong step, had taken none at all. The Ngatiraukawa were the stumbling-block. Warlike, but friendly to the English, they were now brought almost into collision with active allies of the English, Hori Kingi, Rangihwinui, and others. In July, 1867, Parakaia te Pouepa, a Ngatiraukawa chief, petitioned the Queen. He asked that some competent person might be sent from England, "to give life to the tribe," and raise up the treaty of Waitangi, which the New Zealand Government was "trampling under foot." The demand of the tribe was that their claims might be judicially investigated; but the Government refused to bring the disputed title under the operation of the Native Lands Court. Other chiefs sent similar petitions to the Queen. The case was complicated, and furnished volumes of reports, and yet, in 1868, the New Zealand Government had arrived at no decision, and would not apply to it the test of law. In 1866, the Native Minister drew up for Sir George Grey a statement as to the facts, which a subsequent decision of the Native Lands Court controverted. He assumed that the Ngatiraukawa tribe had rights which, on examination by a Court, were found wanting. Whatever the titles to the land might be, it was found that search would have to be made so far back as Rauparaha's invasion of the southern regions of the North Island. The Court had to glance at the history of half a century. Colonel Wakefield, in 1839, for guns, tobacco, beads, fish-hooks, apparel, and gunpowder, had procured signatures to a deed which purported to make him lord over islands, bays, streams, forests, and mountains in the Manawatu district; but it was palpable that many potential signatures were absent, and in the description of the land, territories were included which the signers had no intention to convey.

The company's claim was condemned by Mr. Spain in 1843. In process of time the Crown acquired land in the territory, and Maoris gave to Europeans irregular leases, from which the Ngatiapa and Rangitane tribes derived the principal profit, though the Ngatiraukawa and Muaupoko received a share. The death of Taratoa, a Ngatiraukawa chief, who counselled moderation, threatened to embroil the three tribes. The Ngatiapa relied upon the friendship of the Wanganui tribe, without whose support they could not war against the powerful Ngatiraukawa. To avert a fray, Dr. Featherston, in 1863, was commissioned to mediate between the tribes. Arbitration failing, a suggestion was made by the Ngatiapa and Rangitane that the Crown should buy the disputed land, and distribute the purchase-money equitably between the tribes. The Ngatiraukawa held back for some time, but at length a majority, led by Ihakara, consented—a section of the tribe still refusing to accede to the terms. There were meetings in April, 1866, which lasted for days. A deputation of ten chiefs of the other tribes prevailed on the Ngatiapa to agree to terms. The purchase-money was fixed at £25,000, each of the two large tribes receiving two-fifths, the petty Rangitane receiving one-fifth. But many delays intervened before, in December, 1866, the money was paid. Petitions and meetings were numerous. The Government intended to reserve a per-centage of the proceeds of land sales, to content, if possible, the recusant section of the Ngatiraukawa. Parakaia still advocated an appeal to the Native Lands Court. An English traveller, Sir C. Dilke, saw a meeting at the Parewanui pah in December, 1866. A thousand Maoris were there armed. The heralds summoned them as the Greeks were summoned on the plains of Troy. The traveller wondered at the resemblance of the runanga to the Homeric council. Though the disciple of an unheroic school, he saw, in Hunia te Hakeke, the Achilles; in others, the Nestors of the Maoris. "The Argive and Maori leaders are one in fire, figure, port, and mien," he said. At one time Hunia seemed about to strike a Ngatiraukawa chief, but the genius of wisdom at the last moment stayed the hand of the dusky Achilles. The meeting ceased when the bell began to toll for evening prayer. Sir C. Dilke had been told that there would be no blows, but was full of doubts when Hunia

and Karanama poured upon one another a torrent of Homeric abuse. A day intervened, and the chiefs, at the close of it, consumed the night in solemn conclave. On the following morning the runanga was resumed. Hunia, having prevailed in private, was gracious in public. The sale must be completed, lest the world be "set on fire by intertribal war. What is the good of mountain land? There is nothing to eat but stones. Granite is a hard, but not a strengthening, food; and women and land are the ruin of men." Again there was oratory mingled with bardic rhymes interwoven with the words of the speakers. The deed of sale was borne to the flagstaff by Hunia and Ihakara; friendship was sworn, and the deed was signed by hundreds of men and women. Rangihwinui rode with Dr. Featherston to Wanganui for the purchase-money; and grief came over the quiescent at the camp. The wife of a chief chanted a lament, whose burden was that nature was still gay, the sun would shine, the trees would bloom, the fruit of the earth would be found, but the Maoris would melt away from the homes of their fathers. Hunia postponed the payment of the money till the following day, so that the sun might shine upon the deed. When it was done the war-dance was performed, and the ensuing feast was prolonged until the following morning. Hunia said, and Sir Charles Dilke believed, that all dispute was ended. The chief, generously assuming that every Englishman was loyal to his Queen, charged the visitor to tell her that the Maoris would fight for her. "My cousin Wiremu died fighting for her. As he died, we will die if need be—I and all my chiefs. This do you tell our Queen." The Englishman could admire the "noble eloquence and singular rhetoric art" of Hunia; but it is probable that, if the chief could have foreknown the unchivalrous terms in which his auditor was afterwards to reflect upon the Queen in England, he would have poured another kind of eloquence into his ears. But even the Parewanui meeting did not allay doubts and strife. A section of the Ngatiraukawa still demanded inquiry. "Let the Land Court try their rights." But the Governor's advisers shrank from the test. The Native Minister, Mr. J. C. Richmond, reported in July, 1867, that the case was one of "compromising and insoluble quarrel between half-civilized men," whose titles all

rested on recent violence, and who were ready for fresh violence as a last resort. The policy of the Government was to allow considerable delay in winding up the transaction, in order that as many as possible of the malcontents might be brought to agree to it. Governor Grey had tried his eloquence in Maori tongue upon Parakaia in 1866, but in 1867 was requested to forward petitions to the Queen, asking for justice to Parakaia and his tribe. He wrote, in August, 1867, that he would himself have wished to submit his claims to a Court, whose decision might teach the Maoris to submit all disputes, however complex, to a judicial tribunal. On the other hand, the Ministry urged that any decision would be challenged by the losers, and might provoke strife. As the local government had become responsible for the peace of the country, it would be difficult to interfere with their views, and as the case had attained notoriety, Sir George Grey thought it improbable that injustice could be done. The Maoris, by petitioning the Queen, had shown that they understood their rights and the constitutional means of defending them.

By an amending Act (1867) the Governor was empowered to refer to the Court the claims of the natives who had withheld their consent to the sale of the block, and in process of time the Rangitikei-Manawatu claims were submitted for judgment. Sir George Bowen, in reporting the result, declared that it seemed to be generally agreed that their previous exclusion from jurisdiction had been unfortunate. The Chief Judge, Fenton, presided. A few Maori policemen were the preservers of order. The Attorney-General appeared for the Crown, and eminent counsel spoke for the petitioners. Eighty-four Maori witnesses were examined. The trial lasted 45 days. The wars and conquests of Rauparaha; the rights lost and won; the revival of the claims of restored warriors; the resistance of those claims by others, for whom *obscena pecunia* mingled its charms with alleged Maori customs;—all these matters were before the Court. Tamihana Te Rauparaha, son of him into whose thoughts the proverb said it was hard to dive, appeared as a witness. The Pakeha Maori, F. E. Maning, delivered the final judgment of the Court at Wellington on the 25th September, 1869. It coursed over fifty years. The Ngatiapa tribe were once possessors of the land. About 1818, Rauparaha, with

fighting men of his own (Ngatittoa) tribe, suspicious of the growing power of the Ngapuhi, whose acquisition of fire-arms threatened to gratify Hongi's lust for empire, induced some Ngapuhi warriors to accompany him, with their dreaded weapons, to the south on a tour of conquest. From Kawhia, carving his unchecked way, he passed through the forests (through which General Chute in later years was to march), ravaging, as he reached it, the territory of the Ngatiapa, who eluded the terrible fire-arms, and sought fastnesses in the hills. Conquering at Otaki and Cook's Straits with Maori ferocity of triumph, the wily chief looked round for means of retaining what he had seized. The Ngapuhi, with their fire-arms, might wrest from him the territory he had gained by their aid, unless he could fortify himself by new alliances, and place between Otaki and the distant Ngapuhi a cord of allies. "It is pertinent to remark," said the Judge, "that Rauparaha, famous for wiles and stratagems, either conquered by force, or made tools of by policy, or destroyed by treachery, almost every one he came into contact with." He established amicable relations with the Ngatiapa on his homeward route. He dismissed the Ngapuhi warriors from Kawhia with gracious words and presents, some prisoners being thrown in to flavour their banquets or to attend them as slaves. Having parted with his dangerous friends, he collected his tribe for a migration to his southern conquests; and, to create an additional barrier against invasion from the north, invited the Ngatiraukawa tribe to settle on some of his new territory, to which he himself proceeded after his conquest. In separate bands, from time to time, the Ngatiraukawa under the leading of Whatanui complied with the invitation. As they passed they killed or captured straggling members of the Ngatiapa tribe, whose sagacious war-chief withdrew the main body of his people to the hills, anxious to give no cause of quarrel with Rauparaha, with whom he had so recently made friendly arrangements. The Judge pronounced that no acts of these roving Ngatiraukawa, whether of killing or enslaving, gave them any rights according to Maori usage over Ngatiapa lands. The paramount chief Rauparaha would not object to such atrocities so long as none of his own particular tribe, the Ngatittoa, were involved. Neither would the Ngatiapa conceive that the



ravagers were exceeding the bounds of Maori usage. They would reserve to themselves a right to retaliate if they should become strong enough. They were neither conquered nor looked upon as conquered. The small Rangitane tribe, whose own lands were adjacent to those of the Ngatiapa, were interfused with the Ngatiapa tribe when the scourge of Rauparaha's first raid swept the land. On his second journey these Rangitane, weak in the field, conceived the idea of destroying the terrible conqueror by stratagem. They nearly succeeded. Almost all the companions of Rauparaha, and four of his children, were slain, but he eluded the fate prepared for him. He never forgave the Rangitane. With others he made peace. He encouraged the Ngatiapa in procuring fire-arms, and ensured their aid as a barrier against possible invasion from the north. But the Rangitane he followed with bloodhound tenacity. He slew their fighting men, and made their name a memory on the land of their fathers. For a time they disappeared as a separate people. But within the bounds of Ngatiapa territory, near to their hereditary and ravaged homes, they reappeared as half-castes, or children of intermarriages between Ngatiapa and Rangitane, and became entitled by Maori usage to the privileges of their hosts. About 1829 the Ngatiraukawa immigration was complete. Kapiti, Waikanae, and the neighbourhood, were the principal homes of the Ngatiraukawa, while under Rauparaha's advice they cultivated flax to exchange for fire-arms with European traders. Subsequently he apportioned other lands to them, but no evidence was produced to show that he made grants to them within the Ngatiapa boundary. To have done so would, according to Mr. Maning, have been inconsistent with Maori usage. The Ngatiapa were allies whom he was strengthening. The land between the Manawatu and Rangitikei rivers was theirs, by ancient tenure, and by his own friendly recognition. But after 1835, three "hapus" of the Ngatiraukawa tribe were proved to have been found settled between the rivers, in friendship with the Ngatiapa, owning lands, sometimes in homesteads under Maori usage, sometimes jointly; aiding in war expeditions, and, as witnesses averred, "eating out of the same basket" with the Ngatiapa. The claims of the petitioning Ngatiraukawa, were—1st, that the land conquered by Rauparaha was

given by him to the Ngatiraukawa tribe; 2nd, that failing proof of right by conquest, they claimed by any right accruing to them, whether by occupation or otherwise. The counter-contention was, that the Ngatiapa were not conquered, that as a tribe the Ngatiraukawa had no right or interest in the land, and that the Crown had purchased the land from the rightful owners. The judgment—was that Rauparaha had not made a grant of land north of the Manawatu river to the Ngatiraukawa; that he had given land on the south, and that the grantees, in the language of one of the witnesses, “stretched the grant of Rauparaha, and came over the river”; that the Ngatiapa, much as they valued land, valued fighting-men more, and welcomed the three “hapus” who were found settled north of the Manawatu; and that the guests, thus received, acquired, by Maori custom, well-known and recognized rights in the soil, constituting them owners along with the Ngatiapa tribe to the disputed lands. The Ngatiraukawa, as a tribe, were found to have no right or interest in them; but the rights of sections of the tribe were recognized by the issue of certificates of land as follows: To thirty-seven named members of the Ngatikauwhata “hapu,” 4500 acres; to five of the Ngatikahoro and Ngati-parewahawaha “hapus,” 1000; to twenty enumerated chiefs, 500; to one named chief, 200—as marked in a survey-plan before the court.<sup>1</sup>

The Rangitikei-Manawatu case affords a good example of cases brought before the Native Lands Court. The Chief Judge thought that the Court had “settled cases of much greater intrinsic difficulty, and possessing far more powerful extrinsic

<sup>1</sup> The judgment set forth mainly the arguments hostile to the Ngatiraukawa. It is right to mention that not only Mr. Travers, the counsel for that tribe, but others versed in Maori lore, deemed that the Ngatiraukawa were hardly treated;—that the Ngatiapa were really conquered by Whatanui; and that it was through his influence that his ally Rauparaha was prevented from utterly destroying the Rangitane and the Muaupoko whom Whatanui befriended, but who afterwards ungratefully turned upon the tribe of their benefactor. The question hinged originally upon the manner in which Rauparaha agreed with his allies to apportion the territory over which his right of conquest extended. It is most improbable that he would work against the interests of his kinsmen, the Ngatiraukawa, whose aid he had so long and earnestly besought. The arguments on both sides justify the title “composite” given to the district in this work.

obstacles, and had never yet, even at Taupo, had a decision disputed, or obedience delayed." Whether he undervalued the difficulty of the case or not, his testimony as to the acceptance of decisions by Maoris gives further proof, if proof were needed, of the folly of the Government in refusing to allow the Waitara case to be tested by law. It must be noticed also that in recognizing the rights of "hapu" settled by permission on Ngatiapa territory, the Court affirmed that Te Rangitake would have acquired positive rights at the Waitara block by his settlement there, under tribal sanction, even if he had had none before.

It deserves to be mentioned that shortly after the delivery of the judgment in the Manawatu-Rangitikei case, Donald McLean entered into friendly relations on behalf of the Government with the Maori king. There were still some members of the Ngatiraukawa tribe who strove to resist the survey of the land. One Meritana<sup>1</sup> was sentenced to imprisonment. King Tawhiao showed his good faith to the English, and the reality of his office among the Maoris, by directing the Ngatiraukawa tribe to abide by the decision of the Lands Court. The surveys were peacefully resumed and a free pardon was granted to Meritana.

The reader may here be reminded of two important cases in which the judgments of the Lands Court have been interwoven in these annals; viz., the Orakei case which explained the convulsions of the Auckland tribes before and during the wars of Hongi, and the Te Aroha case which resulted from the wars of Waharoa the father of the king-maker.

<sup>1</sup> The 'Wellington Independent' (7th December, 1869) reported that Meritana was captured by Mr. Buller, two constables, and a score of natives, "after nearly an hour's scuffle," and that the "Hon. Mr. Fox was in the district and assented to the proceedings taken."

## CHAPTER XV.

SIR GEORGE BOWEN.

THE new Governor set on foot inquiries as to the condition and future prospects of the Maori race. The Native Minister asked officially for information from the principal officers in "native districts." The loyal natives throughout the colony were not slow in testifying their loyalty to the new Governor. Old Poihipi Tukeraingi, from Taupo, was first in the field, having written his address before Sir G. Bowen reached New Zealand. It was graciously acknowledged. Te Puni, the Ngatiawa chief, under whose protection the English had first found it feasible to settle at Cook's Straits, and without whose aid Colonel Wakefield could not have transferred the settlement from Petone to Te Aro, attended the new Governor's *levée*, under the load of many years. The old man told the Governor, who visited him, that old custom had passed away, and that most of his kindred had in the strife of recent years been led into Hau Hauism, or had become debauchees. Te Puni was isolated in Christianity within a quarter of a century of embracing it with his tribe. The Maori king had recently inclined to ancient custom by abandoning his name Matutaera (Methuselah), and adopting a pure Maori name—Tawhiao. A loyal chief, improving the illustration used by Sir George Grey, that he would dig around the Maori king till, like a tree, he fell, said to Sir George Bowen: "O Governor, Matutaera is now like a single tree left exposed in a clearing of our native forests. If left alone it will soon wither and die. My word to you, O Governor, is to leave Matutaera alone." Wiser than in 1860, or in 1863, the Colonial Ministry had reached the same conclusion.

There was a great meeting early in 1868. Summoned by Tawhiao, numbers reported to exceed 3000 assembled at Tokangamutu in the Ngatimaniapoto territory. Rewi was there, and in enigmatic language, whose intent could only be surmised by Europeans, declared "fighting must cease. The sale of land must cease. Leasing land must be put a stop to. Such doings as selling and leasing must cease; then only will peace be made." For the same reason that the Pakeha Maori extolled the Native Land Act, the patriotic Maori shrunk from it. But the meeting was considered ominous. It was feared that malcontents might combine against the new Governor. But between the sullen isolation of Tawhiao and Rewi and the savage incursions of the Hau Hau fanatics there was no coherence. Violent men found violent deaths. By war and disease the Maoris were decimated year by year, while Europeans multiplied. Sir George Bowen had hardly assumed office when the Ministry apprehended troubles about the Rangitikei-Manawatu block. Mr. Richmond (Native Minister) wrote urgently to Hori Kingi, to Parakaia of Ngatiraukawa, and to Rangihwinui of Muaupoko. The Ministry began to look with favour on the appeal to the Native Lands Act, which had hitherto been avoided. The Court would settle the land dispute; let no blood be shed. The Governor looked to Rangihwinui confidently, as one whose habit it was to maintain law and order. Parakaia answered that he had already exerted his influence, and was pleased that the Court was about to sit. Quarrelling would not be allowed. Rangihwinui answered that he had written to urge the tribes to remain quiet.

The condition of the Maoris, in 1867, has been partly traced in previous pages. Their numbers were diminishing, in some places with frightful rapidity. The Central Waikato, who under Te Whero Whero (in spite of their defeat by Hongi's fire-arms) were regarded as the most powerful as well as most numerous of Maori tribes, had fallen from their high estate. Numbered at 18,400 in 1845, there were found only 2279 on their old territory in 1867. On them the waste of war had fallen with peculiar severity. The starved appearance of captured women and children betokened that the desolation of homes had been an effective weapon in General Cameron's campaign. There were exiles of their race wandering among friends, but the people

whose gigantic proportions caused the wonder of General Pratt as he saw them on the field at Mahoetahi had in seventeen years dwindled to a dispersed remnant, who, if their hereditary abodes told truth, had been eight times decimated under the influence of civilization and war. The Ngatimaniapoto known as a Wai-kato tribe had suffered less than their northern brethren, and their lands in the Waipa had barely been touched by confiscation, although Rewi's old abode, Kihikihi, had been seized.

The tribe second in importance and numbers in 1845, the Ngapuhi, had now become the first. Yet they had decreased from 12,000 to 5804. Never at war against the English, the principal chiefs had frequently offered to furnish military aid against their countrymen. The same rate of decay marked the fortunes of other tribes, but as the divisions and subdivisions obtained at different periods vary in the reports, it would be difficult to make trustworthy comparisons of details. The general decline is told in the totals. In 1845 the estimate was 109,550; in 1848 it was 100,000; in 1858 a census gave a return of 56,049; in 1867 the same test showed only 38,517; but there were many whom no census collector found in the forests. Yet, amid the precipitous ruin of their nation, old men stood forth to prove the hardiness of the race. Waka Nene, in the north, with more than eighty winters' weight upon his head, still attended meetings, and with firm figure and voice declared that, as at Waitangi, so now, he pronounced that it was good for the Maori to accept the sovereignty of the Queen and the law of the Pakeha. Te Puni, his Wellington contemporary, similarly inclined towards the English, had also passed the ordinary term of human life. The Arawa had suffered in the service of the English, and were numbered at less than 2000. The Ngatiporou, if former returns were trustworthy, had decreased less rapidly than other tribes. They were 4500 in 1867.

The friendly tribes were reported to be, in the North Island: the Rarawa, 2671; Ngapuhi, 5804; Ngatiwhatua, 709; Wanganui, 1427; Ngatiapa, 325; Rangitane, 250; Muaupoko, 125; Ngatikahungunu, 2952; Arawa, 1951; Ngatituwharetoa, 500. The "hostile" were the Ngatimaniapoto, 2000; the Uriwera, 500. One tribe was summed up as the Ngarauru, "mostly returned rebels," 400. The "mostly friendly" were said to be

Ngatiawa, 1952, many Hau Haus; Ngatiruanui, 750, many Hau Haus. The "partly friendly, partly hostile," were—Ngati-maru, 3670; Ngaiterangi, 1198; Waikato, 2279; Taranaki, 400; Whakatohea, 573; Ngatiraukawa, 1071; Rongowhakaata, 1000; Ngatiporou, 4500—many of each tribe being Hau Haus. In the Middle Island the Ngaitahu and Ngatimamoe were numbered as 1500, all friendly.

Amongst the reports furnished to the Government was one by the Pakeha Maori, F. E. Maning. He summed up the state of affairs as "a doubtful armed truce," the result of physical exhaustion on the part of the natives, and pecuniary expenditure which the colonists found it impossible to continue. The rapid course of events is illustrated by the fact that not even Mr. Maning in writing of the war and its causes referred so far back as to the Waitara seizure in 1860. He admitted that natives had alleged that acts by Europeans drove them to arms; but knowing the abounding pugnacity of his comrades of old days he thought that they rushed to war of their own choice, weighed down by the conviction that, unless the English progress could be checked, the tribes would be trampled under foot and robbed of their country. If they had such a floating conviction, Governor Browne's conduct at Waitara would crystallize it into a hard fact, and make a resort to arms, in their own eyes a necessity, in the opinions of their English friends a certainty. Their wilful preference of Rewi's counsels to those of Te Waharoa proved how truly Mr. Maning gauged their warlike obstinacy, but did not remove the original wrong done to them. To the Native Lands Act of 1865 he looked as the only possible curative for their national ills. Already they valued its provisions, and in one district a tribe by no means numerous was receiving rents amounting to £40,000. Hau Hauism was not in his opinion worthy of notice. Such pretended revelations had been known in former times. It would die out with the hopes of the Maoris of success against the English. Various officers reported on various localities. The Maori king still maintained "the boundary line," "Te Aukati," over which no European was allowed to step, and which even a Maori friendly to the English could not pass. The Hau Haus at Tauranga imitated Tawhiao by establishing an "Aukati" in



March, 1868, and the Civil Commissioner found it potent in preventing him from procuring information as to the disaffected districts. He was able to assert, however, that "the Uriwera and Whakatohea adhere to the horrible practices introduced by Kereopa, and every European or Arawa who falls into their hands is slaughtered without mercy, and their bodies subjected to the most revolting indignities." The resident magistrate at Napier thought the New Zealand Government had no more to fear from Hau Hauism than had that of the United Kingdom from Fenianism, to which Hau Hauism bore "in many respects a strong resemblance"! The superstition was, he said, "generally abandoned when in March, 1866, Sir George Grey visited Napier, and by his personal influence induced Te Hapuku" with all his followers to take the oath of allegiance and surrender their flags. Since the Waikato war, even friendly natives had become lax in religious observances; and debauchery increased as the Maori associated more and more with the lower classes of Europeans. No enthusiasm had been excited amongst the natives by the Maori Representation Act. Some said (at Kororarika) that they ought to have been consulted as to the number of representatives, and that as the Pakehas had begun they ought themselves to carry out the plan. Some thought each tribe ought to have a representative. In depopulated Waikato no interest was displayed. At Napier, the resident magistrate was disappointed at the lack of attention to the proposed benefits. At Waimate the chiefs were apathetic. Taonui said that there would be "a word to attend to if the Maori members were to be equal in number to the European; but what were four among so many? Where will their voices be as compared with the Pakeha voices? How are the Maori members to understand the Pakeha,—the Pakeha the Maori? Is each man to have an interpreter by his side? If not, are they to listen and not understand?—to speak without being understood? Give the Aye without knowing what they say Aye to; and, by-and-bye, when some new Act bearing upon the Maoris is put in force, be told, Oh! you assisted to pass it? It will not do." There was less apathy at Wairoa in the west, and amongst the Ngatiporou, than elsewhere. At Taranaki, Mr. Parris reported that the development of such a question as

representation was rendered a matter of impossibility by the condition of the district during the war, and under the general confiscation of territory. Even the Native Lands Court in that unhappy district was a dead letter. There were no native lands to deal with. The treaty of Waitangi was overthrown. All Maori rights were deemed extinct, and the Settlements Act was the vehicle for re-distributing the land by sale, by gifts to friends, by dole to returning rebels. If an inconvenient judgment of the Compensation Court was apprehended, the Ministry eluded it by secret composition, and everything was 'deemed satisfactory. As for Tawhiao, with his adviser Rewi, they were supposed to be peacefully inclined if not interfered with in their pale, or Aukati. But contributions from distant tribes still flowed in to Tawhiao's exchequer, and the name of king was not without adherents. The Provincial Council at Auckland, in the end of 1867, had agreed to a resolution that to "secure the pacification of the country and the welfare of both races a general amnesty should be proclaimed with as little delay as possible." The Government consulted Donald McLean at Napier. That gentleman apprehended danger from such a measure, but recommended a few objects of mercy. Mr. Stafford, in February, 1868, told Sir George Bowen that the Ministry could not advise the grant of an "indiscriminate amnesty of all political offences." It would not tranquillize and would not be understood by the natives. Moreover, such an amnesty would include murderers. There were 173 political offenders at the Chatham Islands, whom 82 women and children had been permitted to join. Eleven of the prisoners had been allowed to return. The Under-Secretary of the Native Department, Mr. Rolleston, had recently inspected the Chatham Islands. The prisoners complained that they were compelled to work when ill. An old chief, declared by the doctor to be in good health, was thought by Mr. Rolleston to be in bad health, and the magistrate for whom the old man was working agreed with Mr. Rolleston. A sergeant, questioned by Mr. Rolleston, admitted that he might "have occasionally used rough measures in cases where the doctor said the prisoners were shirking their work on the unfounded plea of sickness. On their refusing to turn out I may have given them a kick." Mr. Rolleston appealed to the resident magistrate against such

“insult and tyranny.” The work to which the prisoners were put was described as building, planting potatoes, road-making, general, &c. The majority worked for the Government. The rate of pay was one shilling a day with rations. A few worked under contract with residents on the island, and thus, it may be hoped, escaped the boot of the sergeant-guard. The prisoners permitted to return to their native place, Turanga, wrote to the ‘Waka Maori’ newspaper, and speaking for their own people still confined, said they were grateful for being kindly treated, and would not join the Hau Haus if released. Horomona Tutaki was one of those recommended to mercy by Mr. McLean. His son Tamati Petera was not so fortunate. Tamati was ill, and Horomona begged that he might take him also to his home. Mr. Rolleston found Tamati too ill to be moved. “On asking Horomona whether he would stay and take care of him, he said he would. The sight of the two men with tears in their eyes was one of the most touching I have seen.” Such was the general aspect of the Maori race when Sir George Bowen arrived. His predecessor had left the land at rest. War there was none: but a band of Hau Haus of the Uriwera tribe had been lurking in the vicinity of Opotiki, and were supposed to be bent on mischief. They had been encountered by the military settlers on the 8th February, 1868, and six of them were killed,—only two Europeans being wounded. The losers had retired to the mountains. On the west coast, under Titokowaru, a large meeting held at Te Ngutu-o-te-manu, served to show the difficulty under which a Governor not trained to the task himself must labour in obtaining information. Mr. Parris, who had in 1859 lent himself to the conspiracy against Te Rangitake, reported in April, 1868: “I look upon the movement of the tribes in this province in convening these meetings as the best earnest of their desire for peace.”

Within a few months murders had been committed, property stolen, Maoris assailed, and Titokowaru was denounced as a rebel. Schools had ever been ardently sought for by the Maoris. The Arawa had made moving appeals for help. For this they held meetings, and though poor, pledged their substance. Land was given by the chiefs without stint. In wading through the records of the time one finds official statements which tell their own

story in few words. 1st February, 1867 : " Sir George Grey is supporting a school at his own expense, so that if the views of the committee can be carried out, schools will be available for children in the Maketu, Rotoiti, and Rotorua districts . . . The movement originated altogether amongst the natives, and they seem extremely anxious that their children should have the advantage of English teachers." At a meeting of chiefs £100 a-year was guaranteed at Maketu, for Arawa schools, and a like amount was asked from the Government. One chief undertook to call on each parent, weekly, for the school fee of sixpence for each child. At one place a resolution, carried unanimously, enumerated the chiefs who were to contribute towards a schoolmaster's salary. But even in adopting European usages the chiefs gave them Maori peculiarity. A European tenant failed to pay his rent. The Maori landlord offered to fight for the amount "double or quits." The tenant, a powerful man, was willing. In the struggle the settler was severely hurt and yielded. The Maori forgave the debt, saying, " Keep it to pay the doctor." A chief surrendered, and was asked why he did so, when but a few days before he had been fighting. " The fact is, inflammation has damaged my right eye, and I can no longer shoot properly. In that last fight with you I missed two men whom I ought easily to have killed. The next day I went pigeon-shooting to get my hand and eye into unison, but I missed several times. So, as I could not shoot anybody, I came in and took the oath of allegiance."

Such being the condition of the Maori race early in 1868, it may be well to take a comprehensive view of the European colonists and the results of their labours. From 172,158 in 1864 the white population had increased to 226,618 in 1868. Sixteen thousand homes had been acquired in the same period, and there were more than 54,000 inhabited houses in 1867. Sheep had multiplied from 2,761,583 in 1861 to 8,418,579 in 1867; cattle from 193,285 to 312,835; and pigs from 43,270 to 115,104 in the same period. The postal revenue had risen from £39,000 to £55,000. The value of exported gold was £1,800,000 in 1864; £2,700,000 in 1867. Wool exported was valued at rather more than £1,000,000 in 1864; more than £1,500,000 in 1867. The ordinary revenue had gradually risen from £815,000 to £1,225,000. The territorial, more fluctuating, under the

operation of confiscation seizures and the Settlements' Act, was in 1864, £714,770; 1865, £500,045; 1866, £776,429; 1867, £561,730. An electric telegraph had been created in 1866, and some scores of thousands of messages had forthwith coursed along its veins. In one item there was diminution. The withdrawal of so many British regiments had contracted the shipping returns. The inward tonnage had fallen from 426,000 tons in 1864 to 309,000 in 1867. The increase of population had been mainly in the Middle Island. Auckland and Taranaki were almost stationary, while Wellington, as was natural for the metropolis, had increased. But Canterbury, with its offshoot Westland, and Nelson had grown; while Otago, though not leaping forward as in the first flush of the gold-fields' excitement, maintained its pride of place as the most populous of all the provinces. Immigration had declined after the richest gold-fields were occupied or exhausted. The maximum nett gain by immigration had been 35,000 in 1863. In 1867 it was nearly 5000. Judged by the standard which measures welfare by figures only New Zealand was rapidly rising. In the catalogue, the men, the goods, the gains of the colonists could go for much. But the "higher" gifts which bounteous nature hath inclosed in man, are sullied by the absorbing chase of gold. All were not demoralized, but the restless activity of its votaries, by influence and example, introduced a low morality into their private circles, and, eventually, into the Government. A gambling love of adventure intruded into halls of council. When corruption once eats its way, it overbears even those who scorn while they submit.

The immigration to Otago had not failed to cast upon New Zealand its share of the doom which can "place thieves, and give them title, knee, and adoration, with senators on the bench." Yet, as in the man corrupted by temptation but supported by conscience, so in the community, ever by the side of the base a good genius will struggle. The men whom love for their fellows had sent as missionaries to the Maoris laboured also among their European kin. Bishop Selwyn was eminent. Not even his stand against the mean desires of the Taranaki settlers alienated public respect. He had found earnest fellow-workers in his Master's vineyard. With some of them the reader is acquainted.

The names of Henry Williams, Archdeacon of Waimate; his brother William, the Bishop of Waiapu; Octavius Hadfield and Robert Maunsell ought not to die while Christian heroism is honoured among men. The devoted demeanour of native congregations and the deep-toned unison of the Maori responses, once everywhere observed, had, in many places, been overthrown in 1868 by neglect or by savage orgies; but a Church had risen up amongst the Europeans. Bishop Selwyn attended a conference of Bishops in England in 1867. He was invited to fill a vacancy in the See of Lichfield. The Prime Minister and, it was said, Royal persuasions represented consent as a duty, and he severed his connection with the land of the Maoris. It may be doubted whether it was on the whole the most desirable ending of his apostolic career in the south. But his prayers for justice to the Maoris having been spurned by the Government, and the faith of Maori disciples having been crushed under sense of wrong so that some looked upon him as an enemy, he may have accepted the belief that he could no longer serve his Master best in New Zealand. He did not welcome the change. He said at Oxford: "Twenty-six years ago I was told to go to New Zealand, and I went. I am now told to go to Lichfield, and I go." He paid a parting visit to the colony in 1868. J. C. Patteson, who had been made Bishop of Melanesia in 1861, went from Norfolk Island to see his spiritual father once more, and thus described Selwyn's departure from Auckland. There were "crowded streets and wharf (for all business was suspended, public offices and shops shut), no power of moving about, horses taken from the carriage as a mixed crowd of Maoris and English drew it to the wharf. Then choking words and stifled efforts to say, God bless you, and so we parted." In this world they were to meet no more. The General Synod of the Church in New Zealand presented to their retiring head an affectionate address, and to him was entrusted the duty of selecting the future Bishop of Auckland. The title of Bishop of New Zealand expired with his tenure of office. An address from a Maori congregation deserves a place in these pages. It was presented by the Rev. Matiu Taupaki, who led his countrymen in their affectionate efforts to do honour to the memory of Henry Williams:—

"Sire, the Bishop. Salutations to you and to our mother (Mrs. Selwyn). We, the people of the places to which you first came, still retain our love for you both. Not to see you is a grief to us, and here we shall not see you again. We heard gladly that you were to return to us. Great was our joy. And now, hearing that it cannot be so, we are again sad. Sire, great is our affection for you both who are now being lost to us. But how can it be helped, seeing that it is the word of our great Queen? Our thought regarding you is that you are as the poor man's lamb taken away by the rich man. Our parting wish for both is this—Go, and may God preserve you both. May He also provide a man to take your place of like powers with yours. We shall no more see each other in the body, but we shall see one another in our thoughts. But we are led, and protected, and sanctified by the same Spirit. Such is the nature of this brief life, to sunder our bodies; but in a little while, when we shall meet in the assembly of the saints, we shall see each other, face to face, one fold under one shepherd. This is our lament for you in few words :

"Love to our friend who has vanished suddenly ;  
Is he a small person that he was so beloved ?  
He has not his equal amongst the many ;  
I long for the food which he dispensed. . ."

The special history of the Church of England in New Zealand will properly be sought in works devoted to that subject. The characters of Samuel Marsden, Bishop Selwyn, Henry Williams, and a few others who belonged to that Church, have made it necessary to weave into this narrative much which would under other circumstances have been excluded. Without Marsden the Maoris might not have welcomed the Gospel. Without Henry Williams, Hobson could not have negotiated the treaty of Waitangi. But for the manly protests of Selwyn, Sir W. Martin, and Archdeacon Maunsell, the nefarious schemes of Earl Grey might have found fruition in 1846. Without Selwyn it is probable that the career of John Coleridge Patteson would not have given assurance to the world that the highest type of the hero has not departed from the earth. But the internal organization of the various Christian denominations is hardly a matter of general history. When the State assumes the position that the public conscience is absolved from reverence for, and inculcation of, the highest truths, it removes them from its public life. Professing that where there are differences of opinion the State



ought to do nothing, it applies to the moral world a rule which it dares not to apply to the physical. It will have its reward. Indifference pleaded as a necessity degenerates into contempt. That which the State neglects or despises will become the object of aversion in the eyes of the ignorant, the worthless, and the designing. The idle plea that the State cannot support one form of religious teaching without persecuting others is refuted in modern times in many lands. An honest attempt to provide secular education at the cost or partial cost of the State, and to afford ample facilities for the inculcation of religious truth by parents or friends of children has never been unsuccessful. But the abandonment of the higher interests of man by the State has been followed in some cases by a crusade on the part of the Government against their promotion, and thus in the name of liberty of conscience an almost unmatched violation of it has been perpetrated.

Though no details are needed about ecclesiastical affairs in New Zealand, it may be well to mention that during Selwyn's primacy various bishoprics were created, over one of which William Williams presided at Waiapu. The question which had vexed the branches of the English Church in Canada and in Australia, concerning their connection with the parent body in the United Kingdom, and their powers of self-government, was much discussed in New Zealand. Selwyn preferred a voluntary compact to permissive legislation by the State. A General Synod and Diocesan Synods were organized in accordance with his views. One of the first acts of the General Synod in 1859 was to adopt a resolution binding the members, by "voluntary compact," to fidelity to the standards of the Church. From his point of view the Bishop thought such a compact sufficient, and preferable to a foundation laid upon colonial legislation. But it may be questioned whether in either aspect he was right. If the members of the first Synod had power to declare to what doctrines they would adhere, it was open to them to fix upon some other standards than those of the Church of England. If their profession of the doctrines of that Church rendered them incapable of exercising such power their voluntary compact was idle. In Canada, in Victoria, and in Tasmania, the members of the Church obtained permissive acts to enable them to govern

themselves and manage their temporalities without any departure from the authorized standards of the parent body. They did not thereby ask for interference in spiritual matters. Sections of a community which, in order to manage their own business, apply for legal permission to embody themselves in corporations or in companies, do not derive their principles from the Acts of Incorporation. They acquire the power to enforce legal penalties, and it would be contrary to all civil polity that without legal sanction any *imperium in imperio* should be created with powers which might invade the laws or the liberties of the people. Moreover, the voluntary compact chosen could not keep the internal affairs of the Church from possible purview of the State. In the *administratio rei familiaris* it has been laid down that on reference to a civil tribunal, in case of resistance to the order of a colonial bishop, "the court would have to inquire not what were the peculiar opinions of the persons associated together in the colony as members of the Church of England, but what were the doctrines and discipline of the Church of England itself, obedience to which doctrines and discipline the court would have to enforce." The same rule applied to other religious bodies. The Judicial Committee of the Privy Council declared (*Long v. Bishop, of Cape Town, 1863*) that "the Church of England in places where there is no Church established by law, is in the same situation with any other religious body, in no better but in no worse position. . . . The tribunals constituted (by religious bodies) are not in any sense courts . . . they have no power of their own to enforce their sentences, they must apply for that purpose to the courts established by law, and such courts will give effect to their decision as they will to the decisions of arbitrators whose jurisdiction rests entirely upon the agreement of parties. These are the principles upon which the courts in this country have always acted in the disputes which have arisen between members of the same religious body, not being members of the Church of England." One consequence of this, and of a confirmatory judgment by the Privy Council (on petition of Bishop of Natal, 1865), was that the New Zealand Bishops united in a petition to the Queen to release them from their Letters Patent, and to recognize their inherent competency to consecrate and elect

Bishops in conformity with the regulations of the Synod without Letters Patent, and without Royal Mandate. Having travelled thus far for sanction, the Bishop and his friends did not, nevertheless, adopt the simpler method of asking for an enabling Act in the colony which, without dealing with religious tenets, might empower the members of the religious body, subject to its fundamental doctrines (which it would have to prove on any occasion), to manage their own affairs. But the Bishop and his immediate friends shrunk from what seemed to them a recognition of the right of the secular Colonial Legislature to make laws for the Church. They fondly hoped that they could govern the composite machinery of affairs in the nineteenth century upon the principles which were sufficient in primitive societies. Neither in Canada nor in Victoria had the secular Legislature meddled with spiritual affairs. The spiritual body asked and obtained only that legal sanction which was requisite to enable it to control its temporal affairs. Having secured that sanction, the Churches in Canada and in Victoria could in case of need proceed, decently and in order, to obtain temporal justice in administering their affairs.<sup>1</sup> The common sense required in conducting the temporal affairs of the Church soon called upon the Bishop to abandon his ideal. How could the law sanction trusts unless their objects were known or recognized? The voluntary compact was made in 1857, and in 1858 the Colonial Legislature was appealed to, and consented to pass an Act authorizing Bishop Selwyn to convey to other trustees the lands and hereditaments theretofore held by him as a corporation sole. Again in 1865, with similar objects in view, the Legislature with equal readiness passed a measure which the members of the Church thought needful to enable the various Diocesan Synods in New Zealand to hold and vest lands in such

<sup>1</sup> The biographer of Bishop Selwyn roundly declares (1879) that the course adopted in Melbourne and Canada furnished an example to be shunned. He asserts that the members of the Church there "derive their powers of synodical action entirely from the State"; but he does not prove his assertion. If they had the right originally, local legislation was not needed in that regard. If they could not have it originally, the New Zealand Church was without it. What the Canadian Act conferred was not any spiritual power, but the faculty of appearing when called upon to do so as a lawful body exercising control over temporalities.

manner as the General Synod had previously been empowered to hold and vest them. The great law-reformer of England, Edward I., had engrafted upon English institutions principles which had life at the uttermost ends of the earth, and which while Englishmen are worthy of them will stifle the attempts of traitors, foreign or domestic, who would mar the liberties of England.

It need hardly be said that in founding schools and colleges the Bishop was untiring. At Auckland, Sir William Martin aided in preparing Maori students for the ministry; and thus without money and without price performed services which in this world neither could nor would be rewarded. Of the Maori clergymen thus trained, Bishop Selwyn was able to say, when he bade farewell to New Zealand: "Our native clergymen need not return, because they have not swerved; it may be said of each of them, like Milton's seraph Abdiel, 'Among the faithless, faithful only he.' Though they be few in number, they have ever been faithful to that faith which they have espoused, and still the native Church is full of vitality and hope." In New Zealand no apostate priest was found ready to abjure his faith. The Carmagnole of the Hau Haus was terrible, but it had not the ingredient which the miserable Gobel added to the horrors of 1793. Selwyn's testimony to the faithfulness of the native clergymen in 1868 was confirmed by Hadfield (then Bishop of Wellington) in 1881. In the other provinces the Church of England had made progress, but was not specially endowed as in Canterbury, the scene which Gibbon Wakefield had chosen for his experiment, when, reflecting on the higher aspects of national colonization, he deliberately accepted it as the duty of colonizers to make adequate provision for religion. In Otago, for the same reason, with an impartiality which redeemed him from all suspicion of bigotry, if not of serious preference in matters of faith, he promoted the formation of a Scotch Presbyterian settlement. The land reserves, though not set apart by the power of the State, remained for the benefit of the Presbyterian Church when the general affairs of the settlement were absorbed into the political systems of government, provincial and general. Bishop Selwyn, with wise forethought, procured in newly-formed townships, sites for the uses of the Church, and thus at trifling cost

obviated difficulties which in after-time might have been found insurmountable. The Wesleyan body sent early missions to the Maoris, and though they had not been presided over by men of the stamp of Marsden, Williams, Patteson, and Selwyn, they had made many converts. When European population increased, the Wesleyan pastors, as usual, laboured strenuously in their vocation. In every province their functionaries were multiplying with the expansion of population. The Roman Catholic mission had been sent to the islands, when it was hoped that they might become not an English but a French possession. When the French scheme of annexation was frustrated in spite of the French Bishop's opposition, which was adroitly veiled when made, and was denied with the hardihood of the sinning St. Peter when its acknowledgment seemed impolitic—a hardihood which the French Peter did not repent—the Roman Catholic mission laboured with earnestness. The Church of Rome had many votaries amongst the European immigrants. At Wellington there were places of worship numerous and various enough to meet the wants of a metropolitan population. Taranaki, retarded in many ways by the sins of the people, was not without places to preach in, but preachers were sometimes wanting. Te Rangitake had a church at Waitara, which did not decay, but was burnt. There was some sense of the fitness of things in the destruction. When the congregation were to be slaughtered or driven away, there was an incongruity in sparing their church. The work was to be thorough. Thus only could Colonel Browne and his Ministers maintain the dignity of their country and the honour of the Queen.

The mission in Melanesia was in a manner connected with New Zealand, because its first founder, Selwyn, and its martyr, Patteson, laboured there to instruct pupils, whom at the risk of life by heroic humanity they gathered from the islands of the Pacific. The tale, however, is not so closely connected with the history of New Zealand as to demand detailed narration in these pages. It may be mentioned that in 1847 Selwyn made a voyage in H.M.S. 'Dido,' to explore. He volunteered and was allowed to act as chaplain and instructor on board, while the chaplain of the 'Dido' remained at Auckland. Soon afterwards in a petty schooner, the 'Undine' (21 tons), he commenced a series of

voyages in the Pacific. In process of time larger vessels were procured. During Selwyn's visit to England in 1854, John Coleridge Patteson dedicated himself to the work in Melanesia until his martyrdom. In 1856, Patteson had visited with his *Coryphæus* twenty-seven islands, and was able to preach in their own tongues to Maoris, Solomon Islanders, and others. Pupils from the islands were collected at Kohimarama, near Auckland, and there taught, until in 1867 the establishment was transferred to Norfolk Island.<sup>1</sup> Patteson conversed in more than twenty languages with his pupils. In 1861, he was consecrated Bishop of Melanesia by Selwyn and his brother Bishops of Wellington and Nelson. In 1868, Patteson joined the New Zealand Bishops in a farewell address to Selwyn when he left New Zealand for Lichfield; and, when his child in the spirit was slaughtered in vengeance for the crimes of others at Nukapu, in 1871, it was observed that Selwyn seemed suddenly older. But his faith was triumphant over grief; for though his voice was tremulous, he added to the words, "We thank Thee for all Thy servants departed this life in Thy faith and fear,"—"especially for John Coleridge Patteson."

The provinces in New Zealand had not been idle with regard to public education, although war-taxes and pressure of various exigencies had cramped their powers. There were Colleges, or High or Grammar Schools, at Otago, Canterbury, Nelson, Auckland, and Wellington. In 1867, the Rev. F. C. Simmons, Rector of the High School at Otago, apprehending that the time was not ripe for founding a local university, petitioned the Assembly in favour of State-founded scholarships for New Zealand youths at English universities. Wentworth had in 1851 induced his countrymen to found the university of Sydney, and in 1853 the colony of Victoria followed the example of New South Wales. Both Houses of the New Zealand Legislature appointed Select Committees with power to take evidence. Many witnesses advocated the foundation of a university in New Zealand, but

<sup>1</sup> The descendants of the mutineers of the 'Bounty' were carried to the island. On the 7th September, 1856, Bishop Selwyn administered the rite of confirmation (at Norfolk Island) to 85 persons, the descendants of Adams and his brother outlaws. Adams had inculcated Christian precepts. Bishop Selwyn's wife spent two months on the island in preparing old and young for confirmation, and the Bishop found them duly qualified.

neither of the Committees could recommend such a step, although both advised that blocks of confiscated lands should be set apart at once for a future university. Confiscated lands furnished to New Zealand statesmen in such a case the same relief that the Custom House provided for one generation of Australians in financial difficulties, and which spoliation or class-taxation promises to provide for another. In each case the process was too inviting to be resisted, and was simplicity itself. The Maori and the Custom House could be bled freely. To the one goods must come to be taxed, the other could not remove his birthright—the land. The system contained the germ of future woe, for when the last life-drop has been drained in each case, an appetite suckled on injustice and grown to full estate will look round for other prey, and fasten its teeth on the fattest of the herd around. But few colonial statesmen troubled themselves with such speculations. Witnesses were not wanting to advocate the foundation of a New Zealand university on high social grounds, and in a few years their arguments prevailed. Sir William Martin was one of those who supported it. Mr Justice (C. W.) Richmond was so adverse as to write, “The time even for an Australasian university is not yet in my judgment come, and may never come.”

One of the early efforts of English colonies is to provide, as soon as they can afford it, regular communication with the mother country. Business relations demand it, and men prompted by adventurous or ambitious spirits recognize the pressing claims of their daily avocations. Ignorance of events may mean ruin to him, the fruit of whose toil is dependent on distant markets. But a holier motive permeates colonial society. While a settlement is young its component parts are chiefly exiles from homes, where reside mothers, sisters, and all the kindred whose memory is interwoven with the very chords of life. The families of enterprising colonists may have consented to their banishment, but yet it is banishment; and a brave wife has often accompanied her husband with the consciousness at her heart that she was too old to be transplanted from her native land. Striving then to do her duty in her new sphere, contending with new privations, embracing new duties, teaching her children, and learning the while, herself, in order to be able to



teach what she had not been taught, such a heroine made many a home in the colonies full of hearts yearning for closer communion with the friends of youth. Added to these motives, the crude curiosity of mankind eager for new things, sufficiently accounts for the fact that postal communication finds early prominence in colonial affairs. To a newspaper editor the world without his columns would be a blank. Conferences on the mail services were held between representatives of various colonies, and there was much correspondence upon the route to be adopted and subsidized.

Amongst their efforts to beautify the land of their adoption, the New Zealand colonists bestirred themselves in importing animals. Prince Albert presented various deer. Pheasants found a congenial home in the land of fern. To the chaplain of the Bishop of New Zealand, the successful introduction of the common bee was due. Acclimatization societies were established at Auckland, Wanganui, Ahuriri, Wellington, Nelson, Canterbury, Otago, and Southland. The land, famous for its natural scenery, bid fair by the acquisition of beautiful forms from other climes to rival them all in its charms. Within a few years of the liberation of skylarks, their carol was poured as profusely upon Maori air as over the heathery downs of England.

After a welcome at Auckland from thousands of Englishmen and Maoris, in March, the new Governor paid a visit to the Bay of Islands, where the Ngapuhi tribe were enraged at the cowardly attack in Sydney, by a Fenian assassin, inspired by rebellion and drink against the Duke of Edinburgh, Prince Alfred. The prince was to have visited the tribe, and they expressed their indignation at the arrest of his plans. Sir George Bowen met them on the historic site where the treaty of Waitangi was made in 1840. There, again, the old warrior, Waka Nene, met the Queen's representative in 1868. Though now weighed down by more than four-score years the old man rose, and in presence of Maoris and Englishmen, who knew that his control had mainly brought about the treaty of Waitangi, struck the ground vigorously with his staff, and reminded them that on that spot more than a quarter of a century before he had counselled the fathers of the living generation to place themselves under the shadow of the Queen and of the law. He

knew that he had then counselled well, and now he urged the sons of his former friends to live in peace and brotherhood one with another, and with the Pakeha in the time to come.

In May, 1868, Sir George Bowen visited the Waikato district. At Ngaruawahia he was received by military settlers and by Maori allies. Near the tomb of Te Whero Whero, friendly chiefs addressed Sir George Bowen, and he volunteered to cause the tomb of the Maori king to be repaired and preserved in honour of that "famous chief of old time who had never made war against the Queen." One of the chiefs had asked if the treaty of Waitangi was still in force, and prompted by his advisers, the Governor replied that it was. The son of the king-maker was one of those who met him at Hamilton, and though on each side were scars of recent wounds, the Ngatihaua and the military settlers intermingled with friendly courtesies. He described to the Secretary of State the novel scenes through which he had passed, and the effect produced upon his mind. He had been warned, and now saw, that New Zealand was a reproduction of Scotch life in the 18th century. The strife of tribes was but a southern repetition of the feuds of the Campbells and the Macgregors. Even the carrying about of the head of Captain Lloyd was exceeded, according to Macaulay, by the exploits of the Macgregors, who placed the head of an enemy before a sister, maddened at the sight; and the Macdonalds surrounded a church and burned the congregation, mingling the harsh triumph of bagpipes with the shrieks of victims. The Maori "aukati," the impassable line with which the Maori king had surrounded his territory, was but the Irish "pale," with the difference that the invaded, and not the invaders, established it in New Zealand. Mr. Firth and Mr. Buckland had lost 200 cattle, 50 by escape of the beasts from their drivers, 150 by seizure by Maoris who drove their booty to king Tawhiao. Mr. Firth saw Mr. Stafford, and deprecated violence, and the Government did not make the outrage a cause of war. Mr. Firth wrote letters to Tamati Ngapora, the king's chief adviser, and to the son of the king-maker. Tamati Ngapora sent back the stolen cattle. Orders were given to collect the stragglers, and Mr. Firth was informed that those which had been killed should be paid for. Mr. Firth declared that there could be but one

opinion of the very handsome manner in which the king and his counsellor had behaved. Sir George Bowen told the Secretary of State that the case was a reproduction of the cattle-lifting, described by Sir Walter Scott in 'Waverley,' where Fergus McIvor anticipated the part of the Maori chief. He did not expend his illustrations without a purpose. The New Zealand Ministry did not desire that the last regiment should be withdrawn. Their fears found an echo in the Governor's despatch. He was informed that loyal tribes would be disheartened, and construe the removal into an expression of the Queen's displeasure. In short, the loyal clans would view the "entire withdrawal of Imperial troops with feelings similar to those with which the Hanoverian clans in Scotland 150 years ago, while exposed to the vengeance of their Jacobite neighbours, would have regarded the removal of the English garrisons from Inverness, Fort William, and Stirling." After their assertions of self-reliance the Ministry could with ill grace ask directly for the retention of the troops, but it was hoped perhaps that the classic illustrations of the new Governor would divert the mind of the Secretary of State from his determination.

The Duke of Buckingham was impervious to any history not contained in recent despatches of the Department over which he had been called to preside at short notice, and which he was soon to leave. In May he had written that the 18th Regiment was to be removed from New Zealand to New South Wales. In September he dismissed Sir G. Bowen's elaborate illustrations and consequent request with brief thanks, and a reference to the previously-announced instructions for the removal of the regiment, which there was no intention to replace. Sir George Bowen visited other portions of his territory. At Tauranga the chiefs, recently hostile, assembled to greet him, and the settlers invited them to a dinner given in honour of the Governor. The chairman, a military settler, proposed as a toast: "Our guests, the Maori chiefs, lately our brave enemies in war, and now our friendly neighbours in peace." Five chiefs responded with "the fluency, humour, and eloquence of their race." At Maketu the Arawa performed their war-dance before the Governor. They, like the Ngapuhi, were indignant at the cowardly assault upon the Queen's son, and entreated that they might

“be led against the Fenians.” At the school at Maketu the Governor observed a proficiency equal to that attained by Europeans. Opotiki, Turanganui, Napier, were visited. At the latter place about 200 families were receiving £26,000 a-year as rents. The Ngatikahungunu did not greet the Governor with the Maori dance, but with Maori guards of honour commanded by chiefs wearing English staff-uniforms. The desire of the Arawa to be allowed to chastise the Fenians was not so Quixotic as might be supposed in England. Some of the disorderly elements gathered at the gold-fields of the Middle Island excited such uneasiness in 1868, by a display of Fenian sympathies, that troops were made ready for landing at Hokitika, and a few ringleaders were arrested and convicted, but were leniently dealt with. Sir George Bowen did not extend his journey to the Wanganui and Taranaki districts in 1868. There were troubles there in April, May, and June. The Commissioners, a majority of whom had exculpated Colonel McDonell for his conduct at Pokaikai, had sat at Patea and at Wanganui in March; and it will be remembered that McDonell attributed Titokowaru’s rebellious disposition to the loss of prestige which the inquiry inflicted upon the hero of Pokaikai. McDonell himself was sent, at the end of March, to Hokitika, to deal with the Fenian plotters, and took thither about 80 of the armed constabulary. He returned in May and found that the Maoris had become troublesome at Patea. His own narrative<sup>1</sup> states that natives had been stealing horses, and that “Mr. Booth had been arresting the wrong persons, and then releasing them again; this aggravated the natives and complicated matters very considerably.” From a Maori point of view the situation was indeed provoking. Under Governor Browne, the Colonial Government had refused to recognize the well-known Maori collective title to land. Under Governor Bowen it proceeded to create a collective responsibility for private theft. If a low-born Maori stole a horse, a chief who derived his honours from a long line of ancestors was seized by armed men. It was as if for the act of a horse-stealer in Hertfordshire the lord of Hatfield House had been cast into chains. McDonell’s mode of

<sup>1</sup> ‘An Explanation,’ &c., by Lieutenant-Colonel T. McDonell. Printed at Wanganui: 1869.

management could not but provoke a race like the Maori. Katene, Titokowaru's tribesman, who had joined McDonell's force, declared that mischief was brewing, and warned his commander that in future the Maoris would not defend their pāhs, but fight in guerilla fashion, which their knowledge of the intricacies of the country would make effective.<sup>1</sup> Some arrests were made. The Pakahope hapu held a meeting, and disturbance was allayed by an undertaking that the Europeans and the chiefs should combine to prevent disorder. But the authority of chiefs could not restrain all evil-disposed Maoris. It had long been known that the ancient Maori rule had waned under the influence of European civilization. It will be remembered that at Waitara, Mr. C. W. Richmond declared: "The issue has been carefully chosen, the particular question being as favourable a one of its class as could have been selected." In 1868 it devolved upon his brother, Mr. J. C. Richmond, to write that "a case of robbery of horses and other effects was chosen to check the evils" on the west coast. Mr. Booth, the magistrate, directed Colonel McDonell to arrest three chiefs, Toi, Hahuwenua, and Ihaka, whom he suspected of stealing horses belonging to Mr. Booth and two other persons. McDonell obtained a warrant from Booth. With a force composed of armed constabulary and settlers, McDonell marched by night to Te Ngutu-o-te-manu. He arrived at the conclusion that warning was given, and the objects of the warrant escaped. He was hospitably entertained at the pāh by Titokowaru and others, and in the morning expressed to the chiefs his regret at the thefts committed by the ungrateful Maoris. He seized a chief, Tauke, as a hostage, and carried him off to Waihi. He declared in his printed narrative that he guaranteed the safe return of Tauke, even if he should be proved to have stolen the horses.

Natanahira strongly urged Mr. Booth not to sally forth to seize the missing horses. Natanahira went himself and recovered some

<sup>1</sup> Katene's frankness was peculiar. He once, by the fireside, said to an English officer: "Do you trust me?—Yes." Katene paused and put his hand on his companion. "You are right and you are wrong. Right, because now I mean well to you—wrong, because you should not trust a Maori. Some day I may brood upon my wrongs—my ancestral land ravished—my tribe destroyed—my 'mana' departed. At that moment I shall be your foe. Remember my warning."

of the horses, but not Mr. Booth's. That gentleman determined to seek his own. With an armed party furnished by McDonell (reluctantly, according to the statement of the letter), Booth proceeded. McDonell declared that he thought "bloodshed certain" to ensue, and he followed Booth with an armed force. Booth, arriving at Te Ngutu-o-te-manu, ordered the arrest of a chief, Kohiri. Roughly seized, Kohiri resisted and called on his people to rescue him. They did so. Booth seized three Maoris and, perceiving guns pointed at his men, yielded to Katene's advice, relinquished Kohiri, retreated, and met McDonell. Tauke, the hostage, had accompanied Booth; and, during the scuffle in the pah, had called out, "Be careful; McDonell is at hand with a large force." The Native Minister reported the result thus to Sir George Bowen: "Two of the prisoners were quickly released, as nothing could be proved against them: the third, Ihaka, was detained, but subsequently made his escape." Such proceedings boded ill for the peace of the district, and none but those incapable of reasoning could doubt that disturbances would follow. Tradition, hatred, injured dignity, all prompted Ihaka to revenge. In June a settler was murdered in the bush in the vicinity of Pungarehu. Mr. G. S. Cooper, Under-Secretary for Native Affairs, in a careful report of later date, speaking of the arrest and escape of Ihaka, said: "A few days afterwards the murders were committed, which, according to Maori custom, commenced open war, and Ihaka was one of the murderers." The case chosen to check evil, in 1868, was thus, like that of 1860, tainted by irregularity, injustice, and folly. It was at once seen that the provoker of war was without sufficient means to wage it. Colonel McDonell went to Wellington for reinforcements. He complained afterwards that the Ministers did not recognize the danger, or accord him sufficient force. To his original strength of 100 men, 300 militia and volunteers with 50 Maori allies were added. The Native Minister thought the outrages had been committed by a few savages with whom the bulk of their countrymen had no sympathy. The disturbance would, he thought, be short, and would "hasten the peaceful settlement of the district." Thus he wrote (5th July) a few days before the General Assembly met; and the Governor transmitted the pleasing fallacy to England on

the following day. Before the Native Minister and Governor had thus written, Titokowaru (whom Mr. Parris had described as a leading chief on the west coast, and whose exertions in promoting good feeling had been highly commended in several reports) had issued (25th June) a peremptory order that travelling in the district and intercourse with Europeans should cease. With hideous Maori metaphor he wrote to a tribe friendly to the English, that he had begun to eat human flesh, and his throat was constantly open for the flesh of man. A trooper was cut down in sight of the Waihi camp—only the legs could be found by his comrades.

The Governor had recently written to the Secretary of State : “I shall apply myself diligently to the study of the native language and annals”; and when the manifesto of Titokowaru reached him he must have sighed for more knowledge or more trustworthy advisers. He reminded the Secretary of State that “positive and reiterated orders” prevented the 18th Regiment from assisting to subdue Titokowaru. A redoubt, Turo-turo Mokai, held by an officer and 25 of the local forces, was surprised, and before Major Von Tempsky dashed up from Waihi in time to see the conquering Maoris retire, Captain Ross and seven others were killed or wounded. Of the attacking force about 12 were wounded or killed. One of them was a near relative of Katene. While McDonell was absent from the district, charges of theft had been brought against Katene, and the resident magistrate sent him to gaol for three months, at Patea. McDonell, on his return, caused the gaoler to escort Katene to McDonell’s quarters, and there discussed his future plans with his scout and guide. The conversation was long, and McDonell invited Katene to remain in his house, promising that, as a reward for information, Katene’s sentence should be remitted in the morning. Katene preferred to return to the gaol where he had his bed. McDonell went with him. The gaol was locked, and the gaoler was absent. Katene climbed up to a gable window, and said to McDonell: “It’s easy to get in, but easier to get out.” “Why, then, did you stay?” “Oh! I thought matters would go rightly on your return. If not, you would not have found me here.” When this cool and daring scout approached Turoturo-mokai with McDonell, the first object he saw was his dead relative. McDonell dreaded lest the Maori lust for revenge



should prompt Katene; but the latter betrayed no symptom of displeasure. He talked confidentially with McDonell until two o'clock on the following morning, and left his commander lulled in temporary security. But in a moment he acted. Silently he roused his people, and bade them muster at his tent. "You know where I have been?—Yes, in McDonell's whare." "I have," replied Katene; "and he is distrustful. He means to murder you as spies and traitors. But for me it would have been done to-night." Te Hira (a Wanganui chief who resided with Katene's people) was seized, bound, and gagged; and before day-dawn, Katene, with all his people, had rejoined Titokowaru. Colonel McDonell's force having been raised to 700 Europeans and 300 Maoris, he prepared to attack Titokowaru in his pah. The Governor suggested that if the colonial forces should receive a check, there might be a general rising. The intentions of the Maori king were unknown. Mete Kingi, a member of the House, wrote to Tokangamutu to sound the king. His old comrade, Hori Kingi, described the success of the mission. The herald was "passed on by Tahana Turoa to Wiremu Pakau and Ropata, by whom he was passed on to Pehi Turoa and Topia Turoa, and then passed on to Topine te Mamaku." Thus aided, he reached a station whence a Maori, by name Marino, carried Mete Kingi's letter to Tokangamutu. There, oracularly, Rewi and Tamati Ngapora allowed it to be believed that they condemned Titokowaru. His evil-doing was with himself alone, even though through it he sink down to the world of spirits—was Rewi's word. Tamati Ngapora said: "Hearken, Rewi, there is nothing to say. Leave Titokowaru to be pecked by the seagulls. He sought it himself." Hori Kingi begged his Maori representative to write and let the tribe know if he should "hear anything important at the Assembly." The Native Minister, Mr. J. C. Richmond, took comfort from the result of the mission.

Such was the state of affairs when, on the 9th July, 1868, Sir George Bowen met the General Assembly at Wellington. Writs had been returned for the election of the four members for the northern, eastern, western, and southern Maori districts: Frederick Nene Russell, a nephew of Waka Nene; Tareha; Mete Kingi Paetahi; and John Patterson, a Maori with an

English name. At the western district there had been irregularity. Every representative body founded on the basis of the English House of Commons takes a pride in following with nicety every detail which shows or implies the independence of its members.<sup>1</sup> Before the speech from the throne is taken into consideration, a Bill is invariably read a first time to assert a right of deliberation independently of the cause of summons by the Crown. Mr. Stafford introduced on this occasion a Bill to declare valid the election of Mete Kingi Paetahi. The general provisions of the electoral law disqualified him, inasmuch as he was the holder of an office of emolument under the Government. On the following day the Bill was passed through all its stages. The Council passed it with celerity; on the 16th July, the Governor assented to it in the Queen's name, and Mete Kingi Paetahi took his seat. In the oriental imagination of the chief, who, like so many of his countrymen, could count the generations of his family from the time when his ancestors landed in Maoria, what thoughts must his new position have aroused! After strife with trading hucksters, with debauched wastrels of seafaring life, with settlers, with Ministries, with Governors, with an English army, there had yet been left such vital force in the Maori noblemen, that now, though in disproportionate strength, they took their seat in the Councils of the land. Bad advisers, and consequent war, had thwarted the honourable intention of the English Government when the treaty of Waitangi was signed, but yet at last an instalment of justice had been wrung from a conjunction of evil circumstances, and the voice of a Maori could be raised in the halls of the English runanga. The spectacle, which might minister to the pride of the Maori, reflected also credit upon the Colonial Government.

Difference yet remained between the members. The Maori, with a written language, was not compelled by daily need to learn that of the Colonists. It was ordered that an interpreter

<sup>1</sup> They are not so careful in other respects. The mace, the symbol of authority, is in England surrendered to the Lord Chamberlain at the close of the session, and is replaced in the hands of the House, by the royal authority, only at the commencement of the next session. This venerable relic of a constitutional principle, on which the summons of a Parliament is founded, has not been imitated in the Colonies.

should attend during the debates, and that papers of interest to the Maoris should be accompanied by a translation. There were many contemporary statements of which it would have been wise to prevent the translation. The 'Wellington Independent' said (21st July, 1868): "The operation must be short, sharp, and decisive. Within the rebel districts no mercy should be shown. No prisoner should be taken. Let a price be put upon the head of every rebel, and let them be slain without scruple, wherever the opportunity is afforded. We must smite, and spare not. . . . They are determined to fight, and we, in self-protection, must treat them as a species of savage beasts which must be exterminated to render the colonization of New Zealand possible." The Governor sent the following extract to the Secretary of State: "Give a reward for every rebel's head that is brought to head-quarters. Exeter Hall may lift up its pious hands in holy horror, but what else is left to us? . . . Few will hesitate long to recommend the doctrine and practice of head-money. *Fiat.*"

The hearts of those who wrote thus in 1868 must have bounded with joy when, in 1869, it appeared from a printed return,<sup>1</sup> that at Makaretu and Ngatapa there were 175 Maoris slain, no wounded, and none captured. Another return, printed in 1870, reveals the character of the force to which these ribald writers would have delegated the task of rivalling the Maori fanatics. The condition of the armed constabulary under Colonel McDonell, on the west coast, soon to be described, will serve as an illustration. A compendious view is provided in the return<sup>2</sup> of the number of the force "discharged on the report of their own officers for drunkenness, uselessness, and insubordination respectively, since the 1st July, 1869." Drunkenness, 330; uselessness, 263; insubordination, 38;—total 631. Another return, laid on the table in 1870,<sup>3</sup> showed that at the same date (15th June, 1870) the total armed constabulary force in the field was 695. The force which the hirelings of the press would have deputed to

<sup>1</sup> N. Z. P. P. 1869; A. No. 3, G.

<sup>2</sup> N. Z. P. P. 1870; D. No. 36. Colonel Haultain, who had been Minister for Colonial Defence in 1869, but was out of office in 1870, moved for this return in order to justify the character of the force!

<sup>3</sup> 1870; D. No. 7.

do murder was worthy of its employers. That there were some honourable men in it may well be believed. The enormous proportion dismissed in twelve months, proves to some extent the health of the body which could thus discard peccant humours.

Mr. Fitzherbert's mission to England was successful as regarded the Imperial claims. Though the Duke of Buckingham thought that a complete scrutiny would have proved a debt from the colony, yet recognizing the pressure upon its resources, and the fact that it had taken upon itself the entire duties of internal self-defence, he considered that "simultaneously with the removal of troops, installation of a new Governor, and the establishment of a complete system of self-reliance," the Imperial Government might properly consent to close the accounts by a mutual release. It was agreed that the colonial claims should be abandoned with the cancelling of the Imperial. The Colonial Office and Mr. Fitzherbert were complimentary to one another, and Mr. Stafford applauded Mr. Fitzherbert.

Mr. Fox at an early date moved that "an impression had gained ground throughout the colony that his Excellency's Government proposes to effect organic changes in the institutions of the colony," that there was anxiety about native affairs, and that the Government ought to declare its policy. After repeated adjournments the motion was rejected (12th August) by 34 votes against 25. In discussing one of Mr. Fox's hostile motions, Mr. Dillon Bell was loudly cheered while he denounced Mr. Stafford's policy towards the natives. The Maori member, Mr. Patterson, through the interpreter, demanded equal laws for the Maori and the Pakeha. "If I vote for the Government, it may not profit me; if for the Opposition, the result may be the same. Honourable members may be all right or all wrong. I will leave the House when the time for the division arrives." On another occasion Mete Kingi said: "I have listened to the talk here for two months. The talk is all about money. Men's lives are nothing." Out of fashion in Wellington he might be, but he struck a higher chord than was touched by the party manœuvrers in the Assembly.

The question of retaining the 18th Regiment was not swept out of the way as the Duke of Buckingham had imagined. On the 18th August, the Representatives resolved to fall back upon the old arrangement, that while the colony expended £50,000 a-

year on native purposes, the English Government should retain a regiment in the colony free of charge. The elastic construction which could be put upon the phrase "native purposes," qualified the obligation of expenditure. The Legislative Council had in July been asked to resolve in plain terms, without reference to any past arrangements, that it was expedient on grounds of Imperial and colonial policy that one regiment should remain; but the motion was rejected by one vote. A few days afterwards, however, the Council resolved without a division to entreat Sir George Bowen to delay the departure of the 18th Regiment until he could tell the Secretary of State the condition of the colony.

Again the war-cloud hung over the land. Again it rose from violent acts or breach of faith under a Ministry headed by Mr. Stafford. The obstinate Maori would neither submit in his fastnesses nor remain in banishment. Prisoners on board of a hulk at Wellington, on a stormy night, let themselves down through a porthole, and three-score—men, women, and children—reached the shore, and regained their old haunts. On the 4th July, 1868, the prisoners at the Chatham Islands, disappointed at being kept in exile contrary to their expectations that after two years they would be released, rose as one man, took possession of their guards, of all the money and ammunition they could find, seized a schooner, the 'Rifleman,' of 82 tons burden, and sailed towards their homes in the north. A return, obtained by Mr. Mantell in the Legislative Council, revealed the fact that there had been no "writ, warrant, or other form of authority" for the exile or detention of the prisoners. The capture of the island was so startling in its suddenness that no explanation could be furnished. Te Kooti Rikirangi, who was unjustifiably seized at Waerenga-ahika by Major Fraser, in 1865, was the Maori leader. Under pretence of holding religious services, he introduced some novelties as a prophet of a new Karakia, or worship. He had arrived on the island on the 15th June, 1866, and the expected two years of probation having expired, became restless when no hope of release was held out. The resident magistrate separated Te Kooti from other prisoners, and forbade him to hold religious services. These precautionary measures were reported on the 1st July. They failed. On the 4th, 163 men, 64 women, and 71 children, escaped in the 'Rifleman.'

Three men and one woman only remained behind. One constable was killed with a tomahawk, in the act of resistance ; but the rest of the guard were merely bound. One man said : "They laid me down very gently, and bound me hand and foot. They tied my hands behind my back, and left me on the ground with my face downwards." Mr. G. S. Cooper was sent by the New Zealand Government to inquire, and reported : "Upon looking back upon this extraordinary episode in the history of New Zealand, it is difficult to say whether one's wonder is excited more by the precision, rapidity, and completeness with which the enterprise was planned and executed, or by the moderation shown in the hour of victory by a gang of barbarous fanatics, who in a moment found their former masters bound at their feet, and their lives entirely at their mercy." There was apparently some prospect that the escaped prisoners would eschew violence, and be content with replacing their feet on the land of their birth. But mismanagement destroyed the prospect ; and the colony learned how much it had owed to Sir George Grey when he resisted the importunities of Mr. Fox on the escape of the prisoners from Kawau. Though the Ministry could produce no warrant under which the prisoners had been detained, they denied that the refugees had been absolutely promised their freedom after two years of good behaviour. Yet a belief in the promise was widely spread. Bishop Selwyn declared in the House of Lords : "They were told if they conducted themselves well, at the end of two years they would be set at liberty. They behaved in the most exemplary manner ; but at the expiration of the two years they were informed that they were not to be set at liberty, whereupon a look of despair at once came over them, as if every hope they had of life were cut off." The first official instructions to the resident magistrate at the Chatham Islands distinctly pointed to release in connection with the end of the war. He was told that it was not "desired to detain them longer than may be necessary. They should be informed therefore that their return will depend upon their own good conduct, and the termination of rebellion. A few of the best-behaved will be allowed to return periodically, and it is to be hoped that none of them need be kept prisoners for any lengthened period." The verbal promises made under

these instructions can be inferred. Mr. Stafford, under whose Government they were issued, was still in office in 1868. There was no rebellion in New Zealand at the expiration of the time which the prisoners had associated with their probable release; but Mr. Stafford gave no sign, although he received urgent letters informing him of the restlessness of the prisoners under their disappointment. It could not be alleged that he was ignorant of the expectations of the prisoners. In May, 1867, the Government sent Major Edwards of the New Zealand militia, to the Chatham Islands, with orders to report upon all matters connected with the Maoris and their guard. The prisoners assembled to meet him. They stated: "That they had been promised they should be sent back to New Zealand, a few at a time, probably after they had been one year at the Chathams, if they behaved well, and that the whole were to be sent back as soon as the war was over." Major Edwards told them that he "felt sure that the promise, if made, would be carried out, and that their good conduct would have its due weight." If Mr. Stafford or his colleagues did not admit that the promise quoted had been made, their neglect to correct the report convicts them of duplicity or of mismanagement. In April, 1868, Mr. Ritchie, a resident at the islands, reported to Mr. Stafford that there was a growing determination amongst the whole of the prisoners to leave their prison. He urged that a special Commissioner should be sent to make careful inquiry. Mr. Stafford curtly replied that other reports which reached the Government did not confirm Mr. Ritchie's statements. He cared not to make inquiries about Maoris who might be aggrieved in an island-prison. He would not stoop to untie such a knot. Te Kooti suddenly cut it by seizing the 'Rifleman' the day after she arrived at the Chatham Islands. The surprise was complete. The chief officer vainly resisted the Maoris who, from two boats, scaled the vessel's sides, and stationed sentries in the fore-castle and cabin. Te Kooti was almost the last to visit his prize, and on taking charge declared that unless the crew would navigate the vessel to Poverty Bay they would be killed. All the fire-arms at the islands were seized by the Maoris. An attempt to sail on the evening of the 4th was defeated by adverse wind; but on the 5th the 'Rifleman' sailed. A head-wind was encountered,



and one morning a Maori was thrown overboard by his companions "to bring a fair wind" from the Atua, or god, of winds. But though he resorted to ancient superstitions to stimulate devotion, Te Kooti kept his powder dry. An armed guard paced the deck day and night. A Maori with carbine and sword stood by the helm to watch the steersman's course. The crew were not allowed to cook. On Friday evening (10th July) the 'Rifleman' was anchored at Whareongaonga, six miles south of Poverty Bay. The crew were kept below, while the women and children, and some others, landed at night. On Saturday morning the Maoris carried off the cargo (consisting chiefly of provisions), returned with two casks of water for the crew, and said they might now go where they liked with the ship, as the Maoris "had done with them." Before the 'Rifleman' reached Wellington, the electric telegraph had warned the Government of the catastrophe, and no man knew whether before leaving the Chatham Islands the prisoners had murdered the Europeans there. A steamer was despatched thither.

Captain Biggs, who commanded the colonial force at Poverty Bay, heard, on Sunday the 12th, that the prisoners had landed. He mustered 50 Europeans with 53 Maoris, marched towards the runaways, and demanded their arms. They refused to surrender them. Finding that they outnumbered his force he abstained from carrying out his original intention to attack them, determined to act on the defensive, and urged the Government to send "a force at once to retake the prisoners." The Government complied. Colonel Whitmore was despatched to the spot, and Commander Palmer of H.M.S. 'Rosario' was sent to help him. Captain Biggs was eager to assist. Ridges with sheer steep rocks encompassed the outlaws, who, confronted by the Maumaukai Ranges, and impeded by their plunder, were many days in toiling to a spot where Captain Westrup of the Poverty Bay Mounted Rifles with 66 Europeans and 22 Maoris endeavoured to bar their way. He detached 44 men to a position commanding their path, near Paparatu, and Te Kooti promptly changed his front, dashed upon Captain Westrup and captured his camp, provisions, and horses. Many of the men fled in disorder, and Westrup himself with about 40 men was compelled to retreat across the country under guidance of a

friendly chief, on the 20th July, and report his defeat to Colonel Whitmore, who did not conceal his dissatisfaction when he found that the forlorn fliers were not prepared to turn back and pursue Te Kooti without delay. Whitmore himself had some Napier volunteers with him. Hearing that the nature of the country would make it impossible for the encumbered fugitives to reach Opoiti, on the Wairoa river, in less than a month (though the distance was only 27 miles in a straight line), he organized scouting parties to hem them in, consoling himself with the reflection that the heavy floods and stormy weather which harassed his own men would prevent the enemy from moving. A force of friendly Maoris and European volunteers was gathered together at Wairoa in Hawke's Bay and marched under Major Richardson. Te Kooti, determining to transport the women and children to shelter, cut his way for about ten miles through the forest; and on the 24th, at Te Konaki, on the Hangaroa river, encountered Major Richardson, whom he fought for three hours before he could force his way. Major Richardson complained that his allies fought badly; but the only sufferers on the Government side were Maoris, though the Major said the rebels used their rifles with precision. A want of ammunition was also regretted by Richardson. It was plain that war to the knife was declared, and the Government called out the militia, strengthened Colonel Whitmore with a detachment of armed constabulary, and determined to show what would have been the result if Sir George Grey had consented to adopt Mr. Fox's policy at Omaha in 1864. General Chute, writing at this juncture from his head-quarters at Melbourne, urged that the battalion of the 18th in New Zealand ought to be concentrated as much as possible. On the ground that the withdrawal of the detachments from Taranaki and Napier would necessarily encourage Titokowaru and Te Kooti in insurrection, Mr. Stafford deprecated, and Sir George Bowen, in despatches to General Chute and to the Secretary of State, vehemently remonstrated against, such a disposition of the battalion as would concentrate it at Auckland where it was not needed. The Duke of Buckingham yielded to the Governor's entreaties. Colonel Whitmore strained every nerve to surround Te Kooti. The adroit use which the latter had made of his followers had deceived Westrup and Richardson. Colonel

Whitmore ascertained that the fighting men had been fewer than had been thought, and that the women must have taken part in the previous skirmishes. He rapidly marched from Turanga to the Waihou lakes, where Major Fraser joined him with a force which had marched round by a regular track. Te Kooti had passed on, cutting his way with desperate energy so as to transport his impedimenta through the broken country between the Waihou lakes and Puketapu. The road thus made facilitated the march of Colonel Whitmore's force, which closed with Te Kooti at Puketapu on the 8th August. An indecisive engagement at Ruakiture, in which Te Kooti was wounded in the foot and lost about eight men, did not stop his retreat. Five were killed and five wounded in Colonel Whitmore's force. Two officers fell in a charge made by the Maoris, while the words of their women urged them on. Colonel Whitmore found that Te Kooti's tactics differed from the wont of Maoris. "He held a desperate body of men in reserve to charge whenever he sounded the bugle. His fire was deliberate and never thrown away: every shot fell close to its mark if it did not reach it, and there was no wild volley discharged during the action. He began the fighting himself, and no opportunity was afforded me to summon him to surrender." In former wars the Maoris had only guns. At the Chatham Islands Te Kooti had seized 32 rifles. For the third time within a month of his landing Te Kooti had been brought to bay by his pursuers, and had worsted them. An officer who served against him has been heard to say that in such a warfare the generalship of Te Kooti could not be surpassed. Colonel Whitmore fell back to procure supplies, and Te Kooti after giving his followers rest at Puketapu resumed his march to the interior. In a month he was heard of a hundred miles from the coast. The savage was aroused within him, but he was calculating in his revenge. His position was strange. He had escaped from imprisonment unwarranted by law. Wounded, and dragging his wounded to the fastnesses of the hills, he was scotched but not killed, and his rabid followers were soon to horrify not only New Zealand but England by the massacre at Poverty Bay.

It was just after Te Kooti's struggle on the 8th August that Mr. Fox's motion hostile to the Government was rejected by the

House of Representatives. A fortnight afterwards Mr. Graham moved that inasmuch as the Imperial Government were willing to allow a regiment to be stationed in New Zealand on condition that the colony would spend £50,000 a year on native purposes, it was expedient to comply with the condition; but by 20 votes against 4 the motion was rejected. A much larger number displayed interest in the question of carrying newspapers without charge. Mr. Vogel, a newspaper editor, arrayed 22 members to vote for thus squandering the public money for the enrichment of newspaper proprietors, but the Government opposed him with 33 votes. Both Houses seized the occasion of a visit paid by Sir George Grey to Wellington, and unanimously accorded him a seat within their Chambers. He was then on his way to England, splenetic against the Colonial Office. On the day of his embarkation the Council adjourned early to enable its members to go in a body to pay respect to him. Before he left he offered to go to the west coast to endeavour to pacify Titokowaru's followers: but the Ministers declined the offer. As the mail-steamer was about to depart rumours of a serious disaster sustained by Colonel McDonell at the hands of Titokowaru reached Wellington. Colonel McDonell with about 350 Europeans had surprised Titokowaru in his village, Ngutu-o-te-manu in August. It was undefended, although well constructed rifle-pits were passed in approaching it. The houses of Titokowaru and his people were burnt. Two rebels were killed and one European. On his return to Waihi, McDonell was pursued by Titokowaru, and four of his men were killed and eight wounded. Colonel McDonell loudly praised his officers and men. He had set his heart upon destruction of villages. Pungarehu and its successor Ngutu-o-te-manu were desolate, but there were other inhabited places. On the 7th September, at four o'clock in the morning, he sallied forth with 250 Europeans and 110 Maoris, of whom Rangihwinui was one, to attack Te Rua-arua, a fortified village, and return by Ngutu-o-te-manu. A track was found and followed. No signs of an enemy were seen. A halt was called. Rangihwinui sent a man up a tall rata tree to see whether smoke or village was near. Half a mile off smoke was seen, and the man heard sounds of a Maori dance. Rangihwinui said: "We now know

where the enemy is. Take your Pakeha men off the track. Let them be hidden in perfect silence in the forest. I with my men will be in ambush. If an enemy come near, I will have him tomahawked without noise. But I expect no one, for this track is evidently not much used. When it is dark I will reconnoitre the enemy's position so that we may know how to act in the morning." Lieutenant Gudgeon avers that the chief's advice would, "if followed, have undoubtedly ensured success," and that when Titokowaru's people heard of it afterwards they said: "Had it been taken we were lost." But McDonell rejected the advice. He ordered an advance. He led one division of Europeans. Von Tempsky led another. Rangihwinui with his Wanganui countrymen preceded them. A tent was on the track. A woman, close to it, screamed and fled. A man emerging, and two children, were shot. McDonell and his men did not know where they were. To surprise the enemy was now impossible; but the force advanced. Rangihwinui extended his men on the left. Von Tempsky went forward and descended into a gully, where a shattering volley was poured upon his and a part of McDonell's advancing force. The pah was near, but was hidden by the trees. Katene's warning flashed upon the leader. The Maoris would fight in the guarding forest rather than in the entrapping pah. While McDonell was thus disconcerted, Rangihwinui sped to his side and told him that he was before Te Ngutu-o-te-manu—the place he had destroyed so recently. The puzzled McDonell could hardly believe the truth. Marksmen in trees singled out and shot the Europeans. The loss was so great that McDonell resolved to retire although Rangihwinui's men on the left had driven the enemy from the forest to the pah. He sent his brother, Captain McDonell, to call back the brave Von Tempsky, who was loth to obey, but in the act of encouraging his men and reviewing his position was shot dead. Captain Buck determined to recover Von Tempsky's body before retreating. As he raised it, he also was shot. Captain Roberts, next in seniority, knew not of the order to retire, and held his position in ignorance that McDonell was in full retreat. By Rangihwinui's advice McDonell retired by the edge of the clearing with his wounded men, while Rangihwinui held the enemy in check in rear. Through twining vines and

underwood, the pursuers and pursued—sometimes almost intermingled—wended their harassing and harassed way. When the gorge was crossed at Te Maru it was found that Von Tempsky's division was absent. When Von Tempsky was shot, Captain McDonell had told Captain Buck to retreat, but had returned to his brother without knowing of Buck's immediate death. Colonel McDonell thought of fighting his way back, to relieve his comrades, but Rangihwinui suggested that as the main body of the enemy had pursued to Te Maru, Von Tempsky's men had an easier journey and more unmolested than McDonell's. The retreat was continued, and Titokowaru pursued until darkness set in. As Colonel McDonell reached the open ground the Maoris fired a parting volley, and on the edge of the forest danced a war-dance, which the English disturbed with their rifles. At nine o'clock in the evening McDonell's division were in the Waihi redoubt, whither about 40 of the rifle corps had preceded him, having fled (when Von Tempsky was shot) and reported the destruction of the force. The European loss was reported at once as 22 killed, 25 wounded, and 2 missing. The enemy's loss could only be guessed at. It was thought that Rangihwinui's men had killed 15, and that the European forces had killed 13. The English dead were left behind. McDonell said he could not speak too highly of Rangihwinui and his men, none of whom, strange to say, were killed. Trained to bush-warfare they kept apart from one another, while the English could not be prevented from collecting in groups which afforded a mark for the enemy. About 80 Europeans were left under Roberts, and were pursued till night. Then under the guidance of a chief, Pehira Turei, after waiting for the rising of the moon they found their way, and gladdened McDonell's heart by arriving safely in the morning<sup>1</sup>—meeting a band of Rangihwinui's

<sup>1</sup> The text is compiled mainly from official reports. In Colonel McDonell's pamphlet (1869) he says, that having directed the native contingent, who were "heavily engaged" in the rear, to move in a parallel line on his left flank, he gave the word to move off. "The enemies' fire increased, and our casualties increased also. . . . I presumed Von Tempsky was following in our rear (McDonell had informed Von Tempsky of the directions given to the native contingent), when some of his men rushed up crying out that he and the other officers were killed." Proceeding to the rear he learned the truth. "I would have gone further back to see if I could do any good,

men who had started in search of them. The alacrity of the Maoris was the more highly esteemed at the time, because their great chief, Hori te Anaua, had recently died, and it was not customary to devote to war the season appropriated to grief. They economized their time by robbing themselves of sleep. They kept up a tangi or wailing for the dead throughout the night, and in the morning sallied forth in search for Roberts.

Colonel McDonell's published defence pleaded that "the drunkenness which demoralized<sup>1</sup> some men of my force after the defeat, and for which I was censured, arose out of the recklessness of the men who had bolted, and the action of the Taranaki Government." The fact that by McDonell's wrong-doing at Pokaikai, and in conjunction with Booth at Te Ngutu-o-te-manu, the conflict with Titokowaru had been brought about, neither McDonell nor his employers thought it convenient to admit. There was alarm and wrath at Wellington,

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but the enemy still attacked our rear. . . . I accordingly pushed on. . . . Inspector Roberts, who fortunately did not follow our track, escaped the enemy, camped in the bush for the night (with his party), and reached Waihi the next morning. . . . The men who had bolted into camp were for the most part drunk when I arrived. . . . The drunkenness which demoralized some men of my force after the defeat, and for which I was censured, arose out of the recklessness of the men who had bolted, and the action of the Taranaki Government. To raise a revenue they had passed a Bottle Bill, under which every storekeeper in that province on paying the licence fee could sell liquor by the bottle. . . . Ministers refused to grant me power (to close those grog-shops). . . . One Government opened the flood-gates of intemperance, the other refused me the power to shut them. . . ." (The Wanganui native contingent) "during the many years they served under me fought cheerfully and bravely, and I never had cause to doubt either their courage or their loyalty." McDonell attributed the disasters to the Pokaikai Commission—false economy—and had instructions from the Defence Minister, Colonel Haultain, in "urging the second attack upon Te Ngutu-o-te-manu," &c., &c.

<sup>1</sup> Mr. Fitzgerald, in a published letter (1870) on the self-reliant policy of the colony, thus described the state of affairs: "Titokowaru had not, it is admitted, above 80 men with him when he began. . . . The head-quarters at Patea were a scene of perpetual drunkenness and debauchery which would have destroyed the discipline of the best soldiers in the world." Mr. Fitzgerald still advocated the Weld policy of self-reliance, but maintained that the Waitara war was unrighteous, and was undertaken with the assent of the colonists, whose clamour drowned the voices of such men as "Sir William Martin and some few others who tried to stem the tide of popular feeling in favour of war."



and McDonnell's dismissal was demanded. Colonel Whitmore deprecated indecent haste in expelling a man against whom the accredited but unexamined charges rested mainly on misbehaving subordinates of his corps. By Colonel Whitmore's advice the Defence Minister, Colonel Haultain, removed to the west coast a division of armed constabulary stationed at Napier, and thus partially reassured the minds of dwellers at Patea and Wanganui. Whitmore generously offered to serve under McDonnell (though his junior) until final arrangements could be made. Colonel Haultain accepted the offer, and, although a member of the Assembly, then in session, proceeded to the scene of disorder and defeat. There only large bodies of Europeans dared to move between Waihi and Patea. There also the Wanganui men were found disgusted with the state of affairs. Lieutenant Gudgeon avers that though they pleaded the necessity of attending to their crops and to a tribal ceremony, they were in truth, like the Europeans, "cowed" by Titokowaru, but they really distrusted the capacity of the Commander-in-Chief. After an unsuccessful effort to tempt the enemy from a position at Taiporohenui, Colonel Haultain deemed it necessary to withdraw the advanced posts from Waihi and mass his force at Patea in the end of September. The former was too near the lair of Titokowaru to be deemed safe. Rangihwinui and his men returned to their homes at Wanganui. That which had made the Government anxious had made Titokowaru bold. He had acquired valuable arms from the Europeans slain in the Ngutu-o-te-manu forest. His "mana" was exalted, and he gained recruits. He devastated the homes of the settlers and advanced to Patea. Terror reigned in Wanganui. Four companies of militia were called out for active service, but refused to go "to the front unless their houses and families were placed in security by the presence of a detachment of regular troops." There was consolation only in one quarter. Rangihwinui's men had gone home to attend to their cultivations. When Colonel McDonnell called for the native contingent, 300 men responded promptly, and entrenched themselves as required, at Weraroa.

The magistrates met at Wanganui on the 29th September, Mete Kingi Paetahi being present, and declared that there was

absolute necessity for the presence of a body of Imperial troops in the town. But for the native contingent, Titokowaru might have sacked the town and swept the coast. On the 1st October, the Colonel of the militia urgently appealed to the Government. Troops were necessary, and during such a crisis the presence of a Minister would be desirable. On the 2nd October, Mr. Stafford moved, without notice, that the removal of the troops would foster rebellion and discourage the loyal; that the colony was "virtually fulfilling" the conditions<sup>1</sup> under which Earl Carnarvon had (1st December, 1866) sanctioned the retention of a regiment, and that the Governor be respectfully asked "to take steps to delay the departure of the 18th Regiment until the subject shall be referred to the Imperial Government." Mr. Fox, the leader of the Opposition, seconded the motion. Verbal amendments were moved and rejected. Mr. Stafford's motion was carried. Mete Kingi Paetahi voted for it. He, a Wanganui man, was for thorough measures. In a former debate he had warned the House that, wherever imprisoned, Maoris would break from their guard: "Although you imprison them and wish to hold them till they repent, nevertheless I fear they will not repent. You saw how those captured at Weraroa acted. I brought them here. They were imprisoned in a ship. They soon swam ashore and escaped. Then you, thinking that the prison-ship had been too near the shore, were minded to send prisoners, afterwards captured, to the Chatham Islands, 300 miles distant from New Zealand; but lo! they seized a vessel and came back to this island. Judge ye then the mind of the Maori people. If you send Maoris as prisoners to England, I warn you that they will probably get possession of a ship and

<sup>1</sup> The condition proposed by Earl Carnarvon in 1866 was that the regiment might be detained "in case the grant of £50,000 per annum for native purposes shall be continued." Mr. Stafford, on the 15th March, 1867, handed to Sir George Grey a ministerial memorandum "declining to accede to the proposed conditions." Some of the reasons alleged were connected with the relative positions of the Governor and the General, but the declining of the terms was absolute. In what way the condition was "virtually fulfilled" in 1868, it would be hard even to guess. Returns laid on the table of the House, in 1869 (B. No. 2, Table R.) showed that in no one year after 1864-5 had the sum of £50,000 been devoted to native purposes. In the year 1867-8 the sum set down was £24,316 3s. 6d. Yet the term "native purposes" had been made elastic.

return to New Zealand." Sir George Bowen urged the officer in command at Wellington to treat the case as one of urgent necessity which justified him, under the Queen's Regulations, in communicating with a subordinate officer in the absence of his superior. Two companies were at once detached to Wanganui. To General Chute Sir George Bowen apologized for what he had done, but declared that the emergency which had arisen "overrode all general rules." The Minister for Native Affairs (J. C. Richmond) assured the Governor that no efforts would be spared which in the depressed condition of the colony were within its means, but his minute evinced that the alarm in the provinces was not unshared by the Ministry, for he said that "a general rising of the Hau Hau tribes might take place any day." Tawhiao had not lent his influence to the fanatics, but he was beset by turbulent advisers. No further fighting took place while the Assembly was in session. It was felt that Mete Kingi Paetahi and Rangihwinui had at Wanganui saved the State. To them the natives looked up after the death of the old chief, Hori Kingi Te Anaua. But for them Titokowaru would have glutted his ire in one of the oldest settlements in the islands.

A petition from the Ngapuhi was described by the Public Petitions Committee as the dawn of a new era in the life of the native race. The tribe claimed equal law for Maori and European; they resolved to assist the magistrate when called upon to arrest an offender. They declared that nothing was so beneficial as education in restraining the commission of crimes; "therefore schools for Maori children should be established, whereas there is not a single Maori school from the town of Auckland to the North Cape." The glowing phrases of the Public Petitions Committee were embodied in a motion, but the Representatives only consented to say that the presentation of the petition was highly satisfactory. They agreed, however, that "a practical response" should be accorded. But friendly communication with the ever-friendly Ngapuhi did not smooth rough places at Wanganui. Colonel McDonell was made a scapegoat and obtained leave of absence. Colonel Whitmore assumed the command. When Mr. Stafford argued in the Assembly that the colony had virtually fulfilled the Earl of Carnarvon's stipulation for the expenditure of

£50,000 on native purposes, his memory was as idle as had been the care of the Government for the friendly Maoris of the north. The petition of the Ngapuhi, whose authenticity was vouched by the Maori member for the northern district, was one of the first-fruits of the Maori Representation Act. Although driven by Titokowaru to combine with Mr. Stafford in the attempt to retain Imperial soldiers, Mr. Fox relaxed no effort to seize the helm of affairs. Beaten in the House in August, he moved in Committee on the financial statement that "this House has no confidence in the policy of the Government." In that arena where deadly thrusts in argument neither kill nor disarm, inasmuch as a discomfited casuist can reiterate statements already confuted, Mr. Fox battled for many days. When the Government resolution was reported to the House the two sides tested their strength in a division, which gave 37 votes to Mr. Stafford and 30 to Mr. Fox. The Government did not carry the whole of their propositions, but in their main object to abolish the system of provincial charges on the general revenue, and charge on the Consolidated Fund, the Interest and Sinking Fund, on colonial and provincial loans, the expenses of government, and of harbour defences, they were successful.

Mr. McLean was an important ally to Mr. Fox. On the 16th September, he moved that the House viewed with alarm the condition in which the Government placed the colony "in relation to defence and native affairs." The fate of his motion was put off from day to day. The House, meanwhile, reckless of parliamentary usage, devoted itself to Bills on carrying newspapers, distress and replevin, the claims of one John Jones, of one George Green, protection of animals, public-houses, escheat, bankruptcy, Civil Service, bakers and millers, weights and measures, a Government-house site, juries, petty sessions, and various other matters which would formerly, even in New Zealand, have given way to questions affecting the Government. But the influx of a gold-seeking population, for the most part intent on personal gain or aggrandizement, had overborne the colonizing element of former days. The Middle Island had not only furnished criminals and murderers whose deeds shocked the community as a whole; it had returned legislators whose aim was low, and whose means were akin to their aim; but who

were rapidly becoming a majority, and looked forward with hope to a general election. The political gamester was on the watch for the chances of the game. McLean's motion was decided upon on the 26th September. The numbers for and against it were equal. Thirty-two gazed at a like number of opponents, while the Speaker gave his casting vote with the Noes. It was plain, however, that Fox and Vogel were marshalling their forces, and that the confidence reposed in McLean would lead to victory. On the 30th September, Mr. Fox demanded an appeal to the people, but was defeated by 33 votes against 24. Public meetings were called in various places to demand a dissolution, and many of Mr. Stafford's constituents at Nelson called upon him to resign. The general opinion as to affairs at Wanganui is shown by the fact that while the combatants were thus excited against one another, the successes of Titokowaru made Mr. Fox meekly second Mr. Stafford's proposition to retain the 18th Regiment. The Government being allowed to proceed with its estimates the session was closed in October. Eighty-one bills were passed. Conspicuous among them was one to provide for land endowment of a university to be afterwards established. The Bill had been introduced by Dr. Pollen in the Council, and was agreed to in both Houses without a division. A few days before the end of the session Mr. Hall, who, in the absence of Mr. Fitzherbert in England, made financial statements, earnestly appealed to the Representatives for support against impending dangers. He asked for £83,000 more than had been previously provided for. "On the west coast we are in presence of a formidable difficulty . . . dark clouds hang over other parts of the colony . . . the difficulty has increased while Parliament has been in session. . . . If we do not shrink from whatever sacrifices may be necessary, if we will for the time stay the political and domestic strife by which we are now distracted, and afford hearty support to whatever men for the time may have the government of the country . . . but if we cannot suspend our political wrangling . . . then I am bound to say I have the gloomiest forebodings for the future." The members must have felt, as the student now sees, that such an appeal would have been more fitly made on behalf of Mr. Stafford if he had not, in 1865, unduly obstructed Mr. Weld in order to

obtain possession of the Treasury benches. One thing stands clear to sight. There was almost a panic when a Minister could speak thus, and his propositions could be accepted by the Representatives. On the 1st October, the newspapers published the alarming statement that the Maori king was about to declare war, and that Kereopa was mustering a band to join Titokowaru.

The Legislative Council had given indications of distrust in the tendency of the Executive Government. Moulded by a majority of the Lower House, a Ministry might induce a Governor to create an equally plastic majority in the Upper House, of which the members were nominated by him. A Committee was appointed to report on the powers and privileges of the Council, with a view "to extend its influence and preserve its independence." The Committee analyzed the composition of the second chambers of other colonies. In former years the number of members of the New Zealand Council had been limited. In Governor Browne's reign the limit was 15. In 1861 Governor Grey was instructed by the Duke of Newcastle not to appoint more than 20. In 1862 the same nobleman withdrew the limitation. Thereupon the Council, in an address to the Queen, prayed that some limit should be imposed lest their independence should be impaired. Three-fourths of the number of members who sat in the Lower House should be the maximum of the number in the other. The Duke of Newcastle saw no reason for the exercise of a prerogative to limit the number of members which the law of the colony did not limit. For his change of opinion he alleged reasons which arraigned his former conduct. By taking away a limitation he virtually paralyzed one branch of the Legislature. He refused to undo a wrong he had done, alleging that no New Zealand law compelled him to do right. The Council endeavoured to legislate in 1865. In 1866 they passed a Bill to limit their numbers, but the Lower House allowed it to lapse in Committee. In 1867 the Council took up the subject, but were persuaded to leave it in the hands of the Government. The Committee of 1868 recommended a Bill to limit the number of members, and, further, that the Government should be urged to submit important measures at an earlier date than was habitual, the only remedy in the hands of the Council being to refuse to entertain any Bills sent from

the other Chamber at so late a period of the session as to forbid mature consideration. The Bill to limit the number of members was quashed (5th October) by postponement for six months in the Lower House, the majority being 30 to 18. Four days afterwards a Bill to apply the ballot to elections for the Lower House was similarly shelved in the Council. Correspondence was asked for to show that, in 1867, Mr. Stafford, in order to carry a Bill, brought pressure to bear on members of Council who were also holders of paid offices. Mr. Crawford, who held other offices besides that of sheriff, had voted against the Government, not from political predilections, but because he shrunk with the instinct of a sheriff from accepting absolutely and at large all provincial liabilities as a colonial burden. In a friendly letter he explained his motives to Mr. Stafford. The Houses adjusted their differences on the Bill by conferences, and the session was closed before Mr. Stafford replied to Mr. Crawford's letter. He had waited till the matter was decided, and did not refer to the Bill. But as an opinion had been generally expressed that there were too many officers of Government in the Council, he wished to know whether Mr. Crawford would prefer to retain his offices or his seat in the Council. The sheriff said that when the two positions might be found incompatible he would elect to retain his offices, and Mr. Stafford told him that his resignation of his seat would be accepted; on which hint Mr. Crawford resigned his seat.

The constitution of the Upper House and its ductility were becoming serious questions to Mr. Stafford. The onward progress of the ordinary revenue had been checked. In the customs receipts there was a deficiency of £80,000. A member of the Council, Colonel Russell, proposed, but could not carry, a motion to consider the financial policy of the Government. Mr. Mantell, besides obtaining a return which proved that the Maori prisoners had been deported to and detained at the Chatham Islands without warrant or authority of any kind, procured another return, which revealed gross neglect. In 1865 it was arranged (Mr. Weld being in office) that Bills specially affecting the Maoris should be translated and printed in Maori for their information. Mr. Stafford became Premier in October, 1865. The return showed that after July, 1865, no Bill had been



translated and printed for Maori information. The Native Lands Act 1865, the Native Schools Act 1867, and the Maori Representation Act 1867, were the only documents which the Stafford Government had condescended to circulate among those for whose behoof they were enacted.

After the successes of Titokowaru the Council resolved (8th October) to address the Queen. They urged that colonial responsibility had only been accepted in reliance on the future co-operation of the Imperial Government, and that if their equitable claims should not be recognized, a Commissioner ought to be sent from England to inquire into their grievances. The Address, laid on the table on the 14th October, was never adopted. Colonel Russell, its framer, on the second day of debate withdrew his motion on the subject. It had stated that the withdrawal of troops had created in the minds of both loyal and rebel natives a feeling that the colonists were condemned and abandoned by the Queen, and that should such feeling become general a war of races might ensue, in which the English would be exposed to easy aggression, and the Maori would "be fierce and elated, with little to lose, and secure of refuge in swamp and forest."

In October, a Civil Commissssioner reported that on the Upper Thames and Waikato districts the Hau Haus were so jubilant as to tell him to his face that Titokowaru would regain the whole country; while friendly natives were abashed, and half inclined to believe in the invincibility of the rebels. It was rumoured that cannibal orgies had been held over the victims at Ngutu-o-te-manu, and that human flesh had been sent to the Maori king; but that he indignantly rejected the offering. War, massacre, and devouring of human flesh became, if not topics of common speech, subjects of common thought. Englishmen living at home in ease could scarcely picture to themselves the state of affairs. Orders for the withdrawal of the last English soldier were in the colony. Military settlers were compelled to be always armed, but did not feel secure from surprise. It had been the custom to issue to friendly natives a supply of arms, to be returned to the Government when fighting had ceased. The issues of such arms had been,—at Taranaki, 172; Bay of Plenty, 316; Auckland, 187; Wanganui, 725; East Coast, 2209 = 3609. They had not in all cases been returned at the end of a campaign,

though closely inquired for. The weapons of the Maoris in former wars had been common guns. Te Kooti had rifles, and no man knew how many Titokowaru had secured. Ammunition was difficult to procure, but by picking up hostile bullets intercepted by earth-works and otherwise,—by moulding lead,—by using broken nails or pebbles,—by rough manufacture of bad gunpowder, the Maori had hitherto maintained some kind of supply. Where a raid might be made could not be predicted, and when made it could not be speedily reported to Wellington. The Maori king was supposed to have at his disposal more than 1500 armed men. While the country in which he had laboured for more than a quarter of a century was thus distracted, Bishop Selwyn bid it farewell. Had he been listened to in 1860, New Zealand might not have been rent by war and blotted by massacre. He did not recriminate, but, in reply to an important address, trusted that he might soon hear of reconciliation, and “that New Zealand may again exhibit the blessed sight of the Maori and the English growing up together as one nation in the faith of our Lord Jesus Christ, and in dutiful allegiance to the Queen.” The experience of recent years hardly warranted such a hope. Only inability to do wrong afforded prospect that a New Zealand Ministry would do right.

At this period the Government thought it advisable to enter into friendly negotiation with the Maori potentate, whose very name had been denounced by the Stafford Ministry in 1860 as intolerable. The Native Minister, Mr. J. C. Richmond, hoped that an interview between the Governor and Tawhiao might be brought about. Meanwhile (October, 1869), Colonel Whitmore marched against Titokowaru, who was supposed to have more than 500 men. With 450 friendly natives Colonel Whitmore advanced to Patea, but could not bring Titokowaru to action on the open ground. Rangihwinui reconnoitred, and found that the enemy was at Moturoa, an inland settlement not far from Patea. Mete Kingi wrote from Patea to Sir George Bowen. He was devising plans with Rangihwinui for the campaign. They would soon extinguish (cover up as with a lid) Titokowaru’s pah, if the roads were not bad. He had heard from the Maori king, and sent enigmatical letters, which seemed to imply peaceful intentions. Mete Kingi wished the Governor to visit

Patea. The death of Hori Kingi had left it doubtful whether the chieftainship should belong to Mete Kingi or to Rangihwinui; and Colonel Whitmore was about to complain of the apathy or cowardice of Maoris not under Rangihwinui's influence. On the 7th November, Colonel Whitmore marched from his headquarters at Wairoa to attack Titokowaru at Moturoa, a village situated on a cleared space under a slope covered with forest. To Rangihwinui was assigned the most important task. Through the forest he made a circuit, which brought him to the rear of the village. Colonel Whitmore marched forward by the road. Rangihwinui, with 50 Maoris and a few constabulary, was to attack the rear as soon as Whitmore's force reached the front. After continuous firing, the rear attack seemed to Colonel Whitmore for a moment successful, and with a cheer Major Hunter led the storming party in front. But by a shot from the bush he fell, and in spite of the commander's efforts the whole force was driven off, with a loss of 9 killed, 19 wounded, and 8 missing. Colonel Whitmore had relied on the support of Maoris behind him, and of 100 more upon his right, but complained that, either from treachery or from cowardice, his "wretched allies" (with the exception of those under Rangihwinui) refused to aid him. The enemy pressed hard on the retreat, but recoiled from the rapidity of the breech-loading rifle fire. Rangihwinui was the last to leave the scrub. His European forces were commended highly by Colonel Whitmore. Fresh from the field when he had retreated to his camp, he wrote thus of "Kemp," as the English called Rangihwinui: "His few natives behaved admirably, undismayed by the continual arrival of re-enforcements to the enemy, or the fact of our having lost an officer . . . of the 80, only 50—with the chief Kemp, whose gallantry, whose coolness, and whose determination to hold if possible the post of honour, was evident throughout the day—behaved like men. . . . If he had even 100 more natives the village must have been taken." When a chief was shot, "Hunia at the head of his companions fled precipitately," and left the wounded man. "Kemp was standing conspicuously on the parapet, defying the Hau Haus, when this disgraceful scene occurred. Kemp called one of his men, and they bore their countryman from the field. Bullying and insolent and braggart

as Hunia has always been where he dared, on this occasion he had no voice to speak. On the other hand, Kemp, whose behaviour was beyond all praise, has the most to regret in the conduct of his followers. Certainly, had he known that one European was missing, he would have gone back at the last moment to fetch him, or (as it seemed to me) to die. For his sake I will say no more on the subject, and have foreborne to say one hard word to the inferior chiefs.”<sup>1</sup> Colonel Whitmore asked for more Europeans. He applauded the gallant conduct of Sub-Inspectors Newland, Goring, McDonell, and Roberts, Captains Gilling, O’Halloran, and Hawes, Dr. Brown, Captain Gudgeon, Mr. McDonell, Inspector Cumming, and Mr. Forster, but he could not lay down his pen without paying a final tribute to Te Kepa Rangihiwinui. “Lastly, Captain Kemp, brave, modest, and generous in all his conduct on this occasion; who never boasted before the fight; who has cast no reproaches after it; who has shown every officer that he is endued with great capacity for military operations; who has exhibited to every man of the force that a Maori chief can manifest a calm, deliberate courage in no way inferior to his own; who has laid up for himself in the hearts of many of the force the gratitude of the men who received a comrade’s help in the moment of need, and who has tried hard to redeem the forfeited reputation of his tribe—this officer and chief merits a full recognition on my part of his deserts.” Colonel Whitmore, being unable to speak Maori, was at great disadvantage in consulting with the chiefs. Investigation by those acquainted with the native language and character imputed the want of concert at Moturoa partly to misunderstandings between Colonel Whitmore and certain chiefs, and partly to jealousies amongst the latter springing from

<sup>1</sup> Lieutenant Gudgeon gives a different version. “Seventy men followed Rangihiwinui, and the remainder would have done so, had not Colonel Whitmore in his ignorance of Maori customs stopped a young chief, and ordered him to hold a position on the right to prevent any flanking movement on the part of the enemy. This irritated the main body, who said: ‘If all of us may not go into the fight, none of us will.’ Consequently 300 men remained outside the bush and never fired a shot. Had they gone on, the pahi, strong as it was, might have been surrounded and the enemy starved out” (‘Reminiscences of the War in New Zealand,’ p. 198). Mr. Gudgeon’s surmise may have been sanguine, but at least it is clear that the Wanganui men had cause to distrust their European commander.

doubts whether, after the death of Hori Kingi te Anaua, the tribal guidance devolved on Mete Kingi or on Rangihwinui, whom Sir George Bowen described in his despatches as the Ulysses and Achilles of the Maoris. But Mete Kingi spoke in the name of all the tribes when he said they were willing to fight if properly commanded, though they refused to be led foolishly to the slaughter. They had no confidence in Colonel Whitmore. The day after the battle the whole of the native contingent broke up their camp, and returned to their homes at Wanganui. Thus, twice had Titokowaru triumphed, and Colonel Whitmore was almost a general without an army. It was because the militia had refused to go to the front that the force at Moturoa was chiefly composed of Maoris; and now the chiefs were sulking in their tents. If there had been alarm before, there was now consternation in Wellington, where the tidings arrived on the 10th November.

While the public mind was striving to master the situation, and resolve what ought to be done to remedy defeat in the west, a shudder of horror was sent to all hearts by tidings that in the east, Te Kooti Rikirangi, having placed women and children in safety in the hills, had descended like a wolf upon Poverty Bay, and before dawn on the 10th November had massacred every man, woman, and child whom he could seize. It was said that, from their lair in the hills the robbers had come down so famished that some died on the road. There had been no warning. There had been apprehension of an attack in the Wairoa district, south of the track by which Te Kooti had fought his way to the hills. Major Biggs had received authority to place an officer with nine men to guard, and act as scouts, between Poverty Bay and Te Reinga. The officer (Gascoigne) extended his inquiry towards the north, where a Maori track led from Ngatapa to Poverty Bay. Biggs thought the labour superfluous. Donald McLean's influence had been used in enlisting a large force. Six hundred Maoris, of the Ngatikahungunu, Ngatiporou, and Wairoa tribes were to march under Colonel Lambert from Wairoa. They marched within 20 miles of Puketapu, but returned without encountering Te Kooti. He was on the track to Poverty Bay, which Biggs thought it needless to guard. In the watches of the night Te Kooti and his myrmidons pounced on their victims.

Major Biggs, who had demanded Te Kooti's arms when he landed, challenged some sound which he heard, and was instantly wounded. He retired for his gun, and while loading it was again shot, and fell. He implored his wife to fly, but she determined to remain by his side. Her heroism was equalled by that of a servant, who refused to leave her mistress. A boy, one of the few who escaped, told the tale. Though the house was surrounded, by crawling under a platform in the uncertain light he reached the scrub, from which he saw a Maori beating out with the butt-end of his musket the brains of Major Biggs. The houses at Poverty Bay were scattered. From one the inmates, warned by the boy, ran with the strength of despair: weak women carrying children, and reaching Turanga, six miles distant, by five o'clock. Fire followed slaughter. A strange contrast was there. While murder stalked from house to house, an old man slept soundly in a little hut, and rising after dawn "to help Hyperion to his horse," was proceeding to milk his cows, when he found his footsteps amongst the bodies of the dead. He ran in horror to a house he knew, and found dead bodies there. Unseen by the triumphant savages, he fled to Turanga, and there overtook the other refugees. At the house of Captain Wilson (late military settler) the murderers had found the door barred, and fire was applied. The captured inmates were led some distance before the work of slaughter began. Mrs. Wilson fell wounded, and apparently dead, as her husband was bayoneted. After long swoon she saw around her the bodies of her husband and three children and a man-servant. One boy, eight years old, was missing. She lay there all day, during which an old Maori, Hori Warakihi, passed and took away her shawl. On the following day she crawled back to her old home, and ensconced herself in an outhouse, with nothing to refresh her except water in a small tea-kettle. On the third day her missing boy gladdened her sight. When his father was killed, he scrambled away, unseen or despised. He had sense enough to endeavour to hide. In the undisturbed hut of the old man who had slept through the massacre, he found food which he thought "it would not exactly be stealing to eat." He found a bed in the house from which the women had fled to Turanga, and though Maoris entered while he was there they did not discover him. On

Wednesday he was hidden in a sweetbriar bush, "the best place he ever saw to hide in." That day he saw the murderers set fire to the houses as yet unburnt. He strayed towards his old home, and saw the bodies of his father, brother, sisters, and the man-servant. "He thought the Maoris must have taken his mother to eat her as she was not there." He wandered to Toanga, where the Maori, Hori Warakihi, whom he knew, gave him bread and meat. On Thursday he mechanically recurred to the desolate home, and found his wondering mother. The fowls had not fled. He found some eggs. They had no fire. He went back to Hori Warakihi, and the old man gave him potatoes. The suffering woman sent the child to obtain fire from the houses recently in flames. Food being thus obtained, woman's wit went to work. The savages were still in full career. On a card, after four hours' struggle with weakness, she wrote : "Could some kind friend come to our help, for God's sake. I am very much wounded, lying at a little house in our place. My poor son James is with me. Come quick.—ALICE WILSON. We have little or no clothing, and are in dreadful suffering." Several bayonet-wounds and blows had been borne by the desolate creature, whose child was to bear her message through murderers red with the blood of her house, and busy in finding and murdering their countrymen loyal to the Queen. Twice the poor boy failed to find his way. A third time he saw a dog which he knew. He followed it as it trotted before him towards Turanga. Two miles from the fort he met some reconnoitring friends, and he hid in the bush, fearing they were Maoris. The dog barked, and the child was discovered. The child and mother had then been seven days in starvation and torment. The widowed and child-bereft woman was taken to Napier, but no kind care sufficed to cure her wounds. Te Kooti had murdered many, but not all the Turanga Maoris. He invited all to join him. Many did so. He retired but a short distance. Rumour multiplied his followers, who were said to be 600. Thirty-two whites and a larger number of Maoris had fallen before he retraced his steps. The few surviving English were gathered in the redoubt at Turanga. A small vessel carried some to Napier. Volunteers sailed thence, and in a few days 30 Europeans and 220 Maoris, Ngatiporou and others, were assembled at Turanga.



The Ngatiporou, applied to for more help, declined to leave their homes unguarded, and sent only 37 additional men; but on learning that Te Kooti had been murdering the Maoris, 220 more sailed at once. A mixed force, composed chiefly of Ngatikahungunu, marched forward under Lieutenant Gascoigne, and at Patutahi and Makaretu had much skirmishing. They received their supplies by means of pack-horses, and the wily Te Kooti, while engaging his enemy in front, detached a strong party to cut off a convoy. He seized eight kegs of ammunition and more food than the robbers could carry. Gascoigne's men were fearful for their communications, and anxiously waited the arrival of Ropata, who was on the march from Wairoa, and joined the force in the beginning of December. A council of war was held, and it was resolved by the chiefs to drive Te Kooti from the rifle-pitted hill on which he had held his pursuers at bay. Till Ropata and his dreaded warriors were close to their lines the Hau Haus held their position at Makaretu, but then turned and fled, leaving plunder to their foes. Thirty-seven Hau Haus were killed. Some of the wounded were despatched in cold blood. The Ngatikahungunu offended the Ngatiporou by sparing the lives of two prisoners related to themselves. In the morning Ropata scanned the country in front, and descried on the forest-crowned crest of Ngatapa, the mountain lair which his enemy hoped to hold even from him. But Pakeha and Maori believed in Ropata as in Rangihwinui.

In less than nine years after the light-hearted robbery of Rangitake the New Zealand Government were glad to ask aid from chiefs who were more loyal to the treaty of Waitangi than they were themselves. No one doubted that if they should combine, the Maoris in the North Island could wreak their will upon the settlers. Would sudden success in the east and the west raise national hopes and spread the atrocious fanaticism of the Hau Haus? The 'Wellington Independent' repeated its nostrum (19th November). Rewards for extinction of the enemy should be offered "to Maoris and Europeans alike, and should not be paid except on the production of the head. These savages should be dealt with as wild beasts which, unless exterminated, render the colonization of a country impossible." Sir George Bowen's official despatches reveal the public alarm.

"Fears are generally expressed that all the English settlements in the disturbed districts are in imminent danger. . . . Many competent judges are of opinion that the presence and exhortations of the Governor would afford the best chance of inducing the Wanganui tribe to take up arms for the Queen, and of securing the neutrality of other tribes now wavering in their loyalty." Mr. Stafford accompanied the Governor overland to Wanganui. Not now, as in 1860, to cast the lustre of the Queen's representative on unlawful rapine from a loyal chief, but with words of goodwill in his mouth, and alarm in his heart, the same responsible Minister who signed the proclamation of martial law at Taranaki attended a civilian Governor to vivify those loyal sympathies which he had formerly done so much to quench. At Waikanae Sir George Bowen conferred with the chief Wi Tako, who journeyed with him to Otaki. Again the old man addressed words of peace to his countrymen. Most of them seemed to be Hau Haus, but not prepared to join Titokowaru. But Sir George Bowen observed in them a gloomy irresolution which might end in taking the side likely to be successful. In the Rangitikei district he saw Mr. Fox, the former Prime Minister, who with others had determined not to fly from his home. Redoubts and block-houses were ready at each village, to receive women and children in time of need. All adult males were enrolled and armed. As the Governor scanned the thriving crops, divided by green hedges budding in the spring, he sighed to think that the hand of the marauder might in a moment scatter there the desolation which Titokowaru had already inflicted at the north of Wanganui. Gathered at Wanganui were the families whom Titokowaru had driven from their homes. One night there was a cry that Titokowaru was at hand. Crowds fled to the block-houses which even men strove to enter for refuge, and the authorities were compelled to bar them out and reserve the shelter for women and children. The critical moment had come. The Maoris were to be appealed to. Sir George Bowen visited their camp at Putiki on the 17th November. Rangihwinui escorted him across the river. Shouts of welcome, the war-dance, and a feast, preceded conference. Some chiefs cast blame on English officers, and there was recrimination amongst the Maoris. The Governor extolled the

loyalty of the Wanganui warriors in many a well-fought field adjured them to treasure the last words of Hori Kingi te Anaua, who bequeathed to them the duty of loyalty to the Queen, and called on them to banish jealousy and strife, and once more fight for the Queen and the law. Rangihwinui stepped forth and declared his readiness to lead a new "*taua*," or war-party, enrolled for permanent service for the Queen. Other chiefs followed his example. Sir George Bowen did not fail to urge that the removal of troops at such a crisis would be disastrous, and that another battalion should be sent to New Zealand. Earl Granville, with cynical self-consciousness, answered: "It appears to me at this distance that you over-rate the magnitude of the danger of the colony." More than six hundred "wives, mothers, and daughters" of the Wanganui settlers made piteous wail to the Queen, imploring that Imperial troops might be left to guard them, and "avert their extinction." On Earl Granville was devolved the task of informing the petitioners that the Queen felt warm sympathy for them, but that he was unable to advise compliance with their prayer.

There was a strange cry from the far south where no danger to life was in question. Mr. Macandrew, Superintendent of Otago, demanded Imperial help. "Self-reliant policy has failed. . . . The colonists regard the wars with the Maoris as matters of Imperial concern; they did not come to New Zealand to fight the Maoris: . . . they had no notion but that the rebellious Maoris must be subdued by paid soldiers, supplemented by the local militia." The Governor ought to use the extreme powers submitted to him and summon the Imperial troops, or to dissolve the Assembly and "have a fresh election" to convince him that the great majority of the "colonists disclaim being a party to the insult which is shown to the empire in refusing to use Imperial troops to assert Her Majesty's sovereignty, and to protect the lives and properties of British subjects from the atrocities of fanatic cannibals." Macandrew wished his letter to be sent to England for "submission to Her Majesty." The Queen, if she had known the facts, might have sighed, with Shakspeare's heroine, at the fantastic tricks which the angry ape of Otago was anxious to play with the thunderbolts of war.

Colonel Whitmore having received levies of about 250 men

from Auckland, placed garrisons in suitable posts, making his line of defence at the south of the Kai Iwi stream. Patea was held by 200 men, and the Wairoa redoubt by 60 settlers. The Weraroa pah in which the Hau Haus successfully defied General Cameron was abandoned to the conquering Titokowaru. He was in force at Nukumaru on the Wanganui side of Weraroa, and only a few miles from the English line of defence at the Kai Iwi, but was too politic to encounter superior weapons in the field. He wrote to Colonel Whitmore: "England was for the Pakeha, New Zealand for the Maori. Bethink you there has been fixed between you and us a great gulf, even the ocean. Why did you not take thought before you crossed over hither? We did not cross from hence over to you. Away with you from our country to your own country in the midst of the ocean." "Arise, and be baptized, and let your sins be washed away, calling upon the name of the Lord." The irritated Lieut.-Col. Herrick, with the connivance of Mr. Booth, a resident magistrate unable to punish Titokowaru, seized his two messengers who had been received under a flag of truce.<sup>1</sup> They were imprisoned at Wanganui. But Whitmore was not satisfied with his own countrymen there. They were not making the sacrifices requisite to success in a campaign in the difficult country between Wanganui and Patea. If the rumours of the Maori king's intention to display his war-standard were true, no offensive movement by the English could be possible. Although Titokowaru was believed to have 500 men within a day's march from Wanganui, Colonel Whitmore advised that the town should only be held defensively, and that a strong expedition should be sent to the east coast to deal summarily with Te Kooti red-handed from the Poverty Bay murders, which the Ngatiporou chiefs were burning to avenge. Mr. Parris reported from Taranaki that Te Rangitake and Hapurona had set their faces like flint against proposals that they should side with Titokowaru. Waitara was therefore safe. Te Whiti was reported by Parris as peaceful and influential for good. As Sir George Bowen had informed the Secretary of State that "The attempt to occupy the confiscated lands at Patea and Opotiki has been probably the immediate cause of

<sup>1</sup> Those who violated the flag of truce did not conceal but reported the fact (N. Z. P. P. 1869; A. No. 10).

the outbreak," it may be concluded that in the eyes of the Maoris there was sufficient provocation for war, but that many of them shrunk from the atrocities of Titokowaru. It is perhaps charitable to presume that Sir G. Bowen had been kept in ignorance of the illegal acts of Mr. Booth and Colonel McDonell when he attributed no importance to the violence attempted against Kohiri and committed against Ihaka.

Many reasons induced the Government to transfer active operations to the east coast. Colonel Whitmore had failed to inspire confidence amongst the forces in the west. Chiefs who were indignant at his aspersions on some of them for cowardice planned an expedition of their own. Colonel Haultain forbade it. Mete Kingi at a conference (23rd November) defended the Maoris for their unwillingness to be led by Colonel Whitmore. They were ready to fight in their own way, and without pay, but not to be led to a foolish slaughter like sheep. With a commander unacceptable to the Maoris, and who condemned the backwardness of the English, there was no prospect of immediate success at the west. Recruiting officers had been sent to Australia, but as yet no levies had been made. Colonel Whitmore went to the east. A ship of war sailed to Tauranga, where the settlement could be protected by ships. Sir George Bowen entreated the commodore to retain at least two of his squadron, and besought General Chute to visit the colony, to show that the fighting men of the Queen were not careless about its fate. Men who run no personal risk are often ready to stir others to deeds of danger. To them it seems as becoming for others to shed blood, as for themselves to spill ink. The crack-brained Smith O'Brien was goaded on by writers who prophesied that Ireland was about to "rise as a nation," and "kill and capture" the Saxon intruders. He rose and became famous among the cabbages of Ballingarry. Punishment fell upon him, but was avoided by conspirators who from secure garrets had spurred him on. The newspapers in New Zealand were thorough in their demands. Rumours of the bloodthirsty expressions of some colonists and of a portion of the press in New Zealand reached England. The morality of the 'Times' was startled from slumber. "Abstinence from excesses which would not be allowable in European warfare is necessary for English honour, and any different policy would be

intolerable." The enemies of the Maori were indignant with the 'Times.' The 'Wellington Independent' (26th November, 1868) declared: "If the Imperial Government were willing to help us, and to crush that rebellion which has been the result of its own bad faith in the past, then English opinion might be entitled to some weight here as to the manner in which the rebel natives might be dealt with. But when John Bull, buttoning up his breeches-pocket, tells us, who are fighting for our very existence against a merciless foe, that we are to be very temperate and merciful, we naturally rejoin that he had better mind his own business. We know very well what to do, and how to do it." At a later date (17th December, 1868), it seemed to admit that help was needed. "Let the mother country give us money and arms to settle a difficulty mainly brought about by Imperial mismanagement, and we venture to predict that in our hands the New Zealand native rebellion will soon be brought to an end." Nor was this fiery breath confined to the press in Wellington. The 'Hawke's Bay Times' (December, 1868), speaking of rewards offered for prisoners, declared: "The fatal clause which requires the rebels to be brought in *alive* will completely nullify the effect intended. Death on the spot is what they deserve, and will most likely receive if they fall into our hands."

The literary cravers for blood were soon to be gratified on the west and east coasts by events of which some were not officially reported; nor told in Mr. Gudgeon's 'Reminiscences of War.' Lieutenant Bryce, who was in after years a Native Minister, distinguished himself. Some women and young children emerged from a pah to hunt pigs. Lieutenant Bryce and Sergeant Maxwell of the Kai Iwi cavalry dashed upon them and cut them down gleefully and with ease. This exploit will be looked for in vain in Mr. Gudgeon's book, which records a "rash and unfortunate affair," in which, subsequently (28th December), Sergeant Maxwell, riding up to Titokowaru's pah, Tauranga-ika, was shot.<sup>1</sup> But the treatment of the children was not unknown. Dr. Featherston, the Superintendent of the province of Wellington, expressed his horror. Rangihwinui declared that he would

<sup>1</sup> In a return (N. Z. P. P. 1869; A. No. 3. G.) no such casualty is ascribed to the 28th December. I am unable to reconcile the discrepancy.

not have joined the local forces if he had thought them capable of such acts. He earned thereby the hatred of Bryce, who long afterwards, when Native Minister, dismissed Rangihwinui from office. Bryce earned among the Maoris a title which clung to him. They called him Kohuru (the murderer).

Sir George Bowen, hopeless of sympathy, wrote long despatches. He enclosed a note from the Chief Justice, one sentence of which spoke volumes. "The colony must brace itself up to hold its own until the time arrives when the native race may feel constrained to respect us in our strength as they now despise us in our weakness." The Speaker, Sir David Monro, publicly advocated a suspension of the Constitution in the North Island. Let the Queen be asked to resume control of native affairs. The colony had failed to cope with them. Let the North Island be subject to an Imperial Commission. When murderers marched amid the glare of burning homesteads, there was no time for a "discordant Parliament to be wrangling and coming to no result." The self-reliant policy was, in the Speaker's opinion, impossible in a country where provincial interests prevented unity and national spirit in the Parliament. In reply, Mr. Fitzgerald (one of Mr. Weld's Ministerial colleagues of 1865) deprecated the demand for troops, but urged that England should furnish money and arms. But Mr. Fitzgerald, the advocate of self-reliance, had misgivings when he looked at the colonists of the day, worsened as they were by the swarm of gold-seekers. "The men around one no doubt talk glibly of their political privileges, but I doubt whether they have the same deep love for liberty as had the men of Massachusetts. . . . No one who reads the history of the Pilgrim Fathers, and witnesses the events passing around him in this colony, but must painfully feel conscious that the colonist of the 19th century is in some respects a lower type of man than his forefathers of the 16th." In January the Governor transmitted to England a petition adopted at Auckland, praying for the suspension of the Constitution as the only remedy for "the evident incapacity of the Colonial Government." A petition from Southland joined in the prayer that the Constitution might be suspended. From north and south there was the same cry of discontent,—the same appeal for help. Sir George Bowen



implored for delay in removing the troops. In case of their withdrawal many competent judges thought a general rising probable, accompanied by tragedies dreadful as those of Delhi and Cawnpore. He liberated his conscience by declaring that to remove the soldiers at such a juncture would create in the minds of the rebels such feelings as might have actuated Nana Sahib and his fellow-mutineers, if, after the massacre at Cawnpore, the English army had been withdrawn from India. Peace might be hoped for on three conditions: A garrison of two battalions of the line; prohibition of fresh settlements in insecure positions; a peaceful arrangement with Tawhiao not inconsistent with the suzerainty of the Queen. Thus, after exhaustion of blood and treasure, Sir William Denison's advice rejected in May, 1860, by Governor Browne and his Ministry was forced upon the same Premier in 1868, and with his consent was recommended to the Crown. Earl Granville had but one song to sing, and he hummed it at his leisure. Kereopa was far from his fireside. The troops must be withdrawn. The other propositions appeared to him judicious, but were for the Local Government to decide upon. As to the meeting at which Sir George Bowen addressed the chiefs of Wanganui, the Earl condescendingly remarked: "I approve both of your proceeding thither, and the language which you used to the assembled tribes."

The desire of the Representatives that the 18th Regiment should be retained because the colony was "virtually fulfilling" the condition imposed by Earl Carnarvon, was met with contradiction to the House, and rebuke to the Governor. The Colonial Government had not, as the Governor supposed, signified their acceptance of Lord Carnarvon's offer, and, even if they had, Earl Granville was not in any case prepared to repeat it. He was surprised at the Governor's statements, "which might have greatly misled Her Majesty's Government." Before receiving this discomfiting despatch, Sir George Bowen endeavoured to establish friendly relations with the Maori king. A Waikato chief, Rapihana Otaota, was persuaded by Wi Tako to see the Governor at Wellington. The Governor wanted to know if Tawhiao would meet the Queen's son, who was expected to visit New Zealand. Rapihana was doubtful. Sir George Bowen asked if Tawhiao was aware that by his command Te Whero

Whero's tomb had been repaired. Rapihana said, Yes ; but that Tawhiao grieved that a green-stone "mērē" buried at the foot of the Ngaruawahia flagstaff had been removed, and was in the hands of the Government. Sir George Bowen said the "mere" had never been in possession of the Government. If they could obtain it they would at once restore it to Tawhiao.<sup>1</sup> He asked if Rapihana had any message, or what was the object of his mission. Rapihana said he bore a message to Maoris. 1. The sword is to be sheathed. 2. The leasing of land is to cease. 3. The selling of land is to cease. 4. The digging for gold is to cease. He would like to know the Governor's opinion of the message. Sir George Bowen, in startling incongruity with his despatches, said, "The sword is sheathed." He bore words of good-will from the Queen. He must punish Te Kooti and Titokowaru, but desired peace with the amiable Tawhiao. Rapihana said the first part of his message was its main object. The other provisions related only to the king's territory. Tawhiao had no sympathy with Te Kooti and Titokowaru. The Governor

<sup>1</sup> The readiness with which promises were made, which were sometimes not meant to be fulfilled, is exemplified in this instance. It has been seen that the conquering Europeans were in the habit of rifling burial-grounds and sacred places in search of treasures, or in the revelry of spoliation. Ngaruawahia, occupied by General Cameron in 1864, had become the site of a town appropriately named Newcastle, after the noble Lord who became an accomplice after the fact in the deed which involved the Waikato tribes in war. An innkeeper dug at the foot of the flagstaff of the Maori king, and found there a mass of green-stone which the Maori artificers had begun to shape into a mērē. He intended to sell it. Mr. Searancke, a Government official, demanded it. The thief refused to yield it, and fearing that Mr. Searancke would overcome his resistance, broke the green-stone into three pieces. Sir George Bowen promised with effusion, in 1868, that it should be restored. This he did through an interpreter, and his words were officially recorded. The reader might imagine that it was impossible to find the relic. It was nothing of the kind. In 1879 it was in the Auckland Museum. It bore this label : "Green-stone found at the base of the flagstaff at Ngaruawahia ; said to carry the 'mana' of the Waikato." The three fragments were preserved. The stone had been about 14 inches long, 5 inches and a half wide, and an inch and a half thick. It might possibly be pleaded that to restore the shattered symbol would have been an insult. But if such humane motives prevented the restoration, the word of the Governor ought not to have been pledged to it. In 1879 a member of the Ministry was induced to visit the museum and read the label which commemorates the vanquishing of Tawhiao, and the fragility of the word of a Government.

wished to see Tawhiao at Auckland or Wellington. Rapihana wanted to know if the Governor would afterwards visit his king at Tokangamutu. In such a case the Governor said he would gladly visit Tawhiao as he had visited "other great Maori chiefs." Rapihana declined to merge the royalty of his master, and drily remarked that perhaps Tawhiao would shrink from seeing the Governor inasmuch as the title of king had caused great trouble. Sir George Bowen wrote a carefully-framed letter to Tawhiao. He would cordially present his friend Tawhiao to the prince. Tawhiao's advisers understood the value of his friendship. While he preached peace to Rapihana, Colonel Whitmore was on the brink of one of the most stirring incidents of Maori war.

When Ropata and Hotene, after chasing Te Kooti from Makaretu on the 3rd December, saw the robber's eyrie perched on the mountain peak Ngatapa, the allied Ngatikahungunu under Tareha expressed a desire to attack the enemy forthwith. Hotene, grieved at the mercy extended to the two prisoners who had been spared, declared the omens bad, and it was only after much persuasion that differences were so far reconciled by Lieutenant Gascoigne and Mr. Preece, that the Ngatiporou agreed to attack Ngatapa on the following day in concert with Tareha. The latter, however, when informed of the arrangement, declared that he had been insulted and should take his men home, and he kept his word. Ropata, nevertheless, with Mr. Preece, proceeded on the 5th December to the attack. Wairoa natives under Ihaka Whanga accompanied Preece. An advance-guard, of which Preece was one, reached the fortress, and sustained a volley, which in spite of the remonstrances of Ihaka Whanga and Preece created a panic, and the men fled half a mile, leaving Ropata close to the pah. Mr. Preece returned to him, and gallantly the two with 16 Maoris scaled the forest cliff until they found themselves exchanging shots with the enemy at a distance of less than 30 yards. Ropata having established his dangerous position entreated Preece to go back and bring up more men. Preece went and found that most of the runaways had fled to Makaretu, and that Ihaka Whanga had failed to stir his people. Nine men returned with Preece to Ropata, who was furious, and hastened back for more. He persuaded 30 to return with him. Holes to serve as rifle-pits

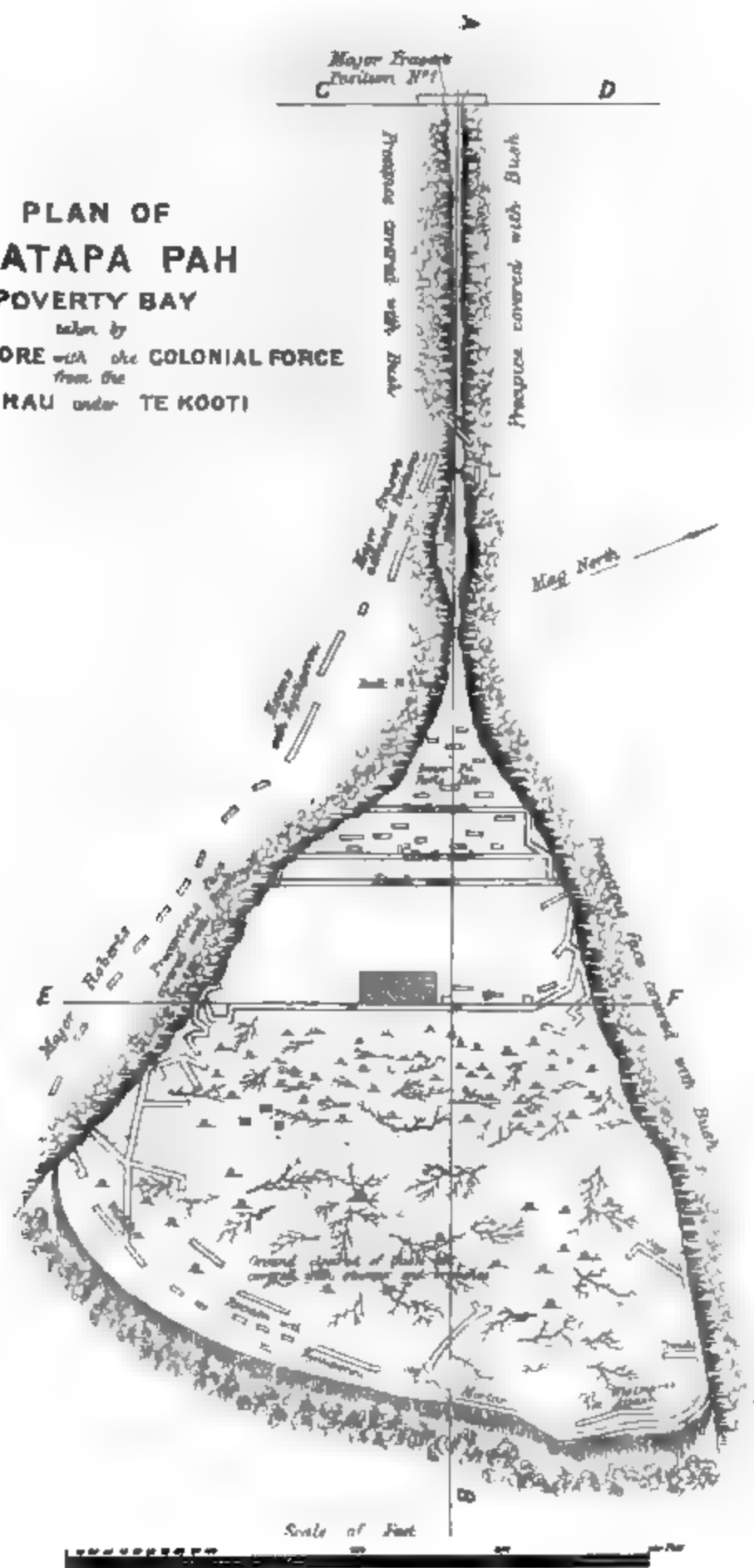
on the edge of the cliff were scooped out, with a bill-hook and hands, and at three o'clock in the afternoon Ropata with his small band stormed an outwork. A messenger reported the success to Ihaka Whanga, and 30 more men joined Ropata, whose position was more perilous in the outwork than in his earth-holes, for retreat without exposure was impossible. The re-enforcement carried welcome ammunition. At dusk Preece again went back for more ammunition, and in Ropata's name entreated the main body to advance. But the superstitious recalcitrants said "it was too dark." With Ropata his own relations were as daring as himself. One climbed a tree and fired downwards on the foe. Another, Watene Tukino, cried out: "You brought us here. Why don't you order a charge into the pah and settle the affair one way or another. I will never go back." He repeatedly mounted the parapet and fired at the enemy. He kicked the dust at their faces and yet was unhurt. But there was method in Ropata's rashness. When he had fired his last shot he withdrew before dawn and strode through the camp of the fugitives who had abandoned him before the pah. Sullenly scorning the deserters, Ropata's men looked not upon them, but camped apart in silence. The shamed offenders feared to approach the chief. Captain Porter who was with them was deputed to intercede. Ropata gave him no heed for some time. At last he said: "My people have betrayed me. I will have nought to do with them. I will go back to Waiapu for others; and when I come back if I find the Ngatikahungunu here I will attack them for deserting me." He marched towards Turanga, and his remorseful tribesmen followed at a distance. On the way he met Colonel Whitmore, who had just arrived by sea from Wanganui with a large force of armed constabulary, and was proceeding to Ngatapa. Whitmore begged him to return. He answered: "I never break my word. I have said I will go to Waiapu, and I will. I will come back with other men and attack the Hawke's Bay tribes who abandoned me." It was long before he consented not to attack the Ngatikahungunu; but he yielded at last, and as his journey to Waiapu could not be stayed, Colonel Whitmore facilitated it by placing a steamer at his disposal. Fires were seen at Ngatapa, and so confidently was it thought that Te Kooti had fled, that Colonel

Whitmore prepared to send back some of the constabulary to Wanganui. The vessel in which they embarked ran aground and they were relanded. Te Kooti, meanwhile, sent a marauding party which killed two Europeans and one Maori. The smoke at Ngatapa had not risen from houses abandoned to the flames, but from the destruction of the scrub near the fortress in order to deprive assailants of that shelter under which Ropata had captured an outwork.

On the 24th December, Colonel Whitmore advanced, and on the 27th was camped on a ridge a mile from Te Kooti's pah. Ropata had returned from Waiapu with 370 men, but was seriously ill. Colonel Whitmore sent exacting messages to hasten the sick man's movements. At last he said he would take Ngatapa by himself if Ropata shrunk back. "Be it so," said the chief—"I tried; it is his turn now." He immediately halted his men. Whitmore was told that bluster would not prosper against Ropata, and went in person to explain, on the following morning. "Have you taken Ngatapa?" said Ropata. "No; I want your help." "I will be with you to-morrow." Mr. J. C. Richmond, a member of the Ministry, was with the forces, and begged Ropata to retire on the ground of illness. "My tribe," he answered, "would be of little use without its chief." On the 30th December, he was at the front, and plans were laid for the capture of the stronghold. It stood on a peak about 2000 feet high on a tortuous forest range, girt on each side by precipitous gorges and rugged intervening ridges. Triple lines of fortification, with deep ditches, guarded the front, and the crest of the range was narrowed in wedge-like form in the rear of the pah. The outer parapet, seven feet high, extended on each side to the edge of the range, but was formed with angles near its junction with the cliff in order to cover completely an attacking party. The inner parapet, more than twelve feet high, was guarded by sand-bag loop-holes to enable the robbers to fire in safety. Covered ways from parapet to parapet, and pit to pit, protected the garrison in their movements. As usual there had been insufficient provision of water, and before Ngatapa was taken the garrison were compelled to collect the falling rain on blankets and clothing stretched out for the purpose. The attacking force contained 242 armed constabulary,



PLAN OF  
**NGATAPA PAH**  
**POVERTY BAY**  
 taken by  
**COL. WHITMORE** with the **COLONIAL FORCE**  
 from the  
**HAU KAU** under **TE KOOTI**



O. W. Dunsfield  
 Staff Surveyor

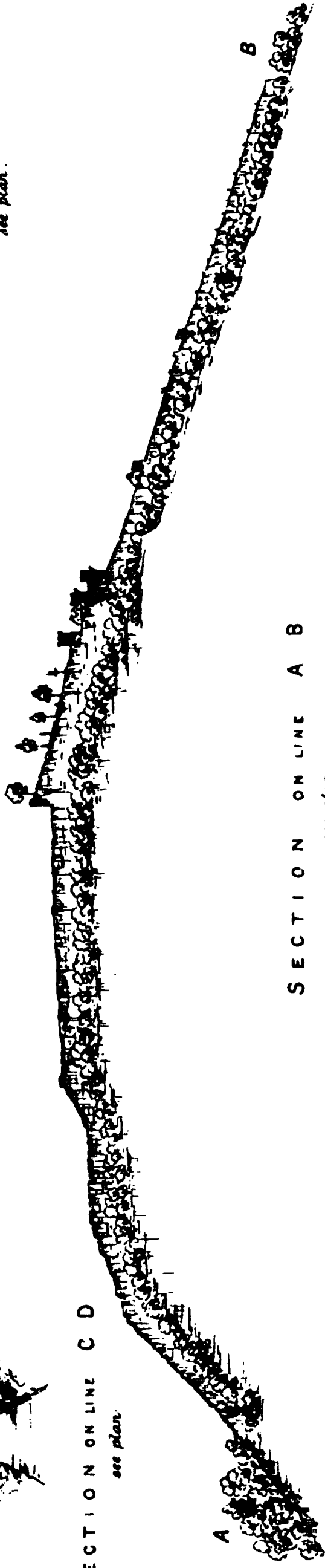
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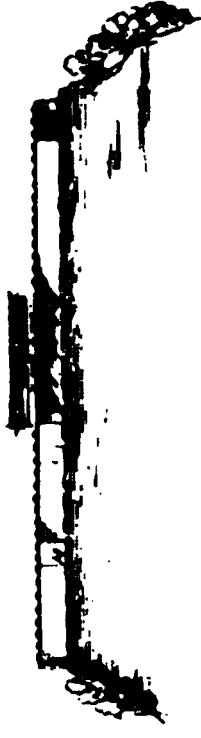
SECTIONS OF  
**NGATAPA PAH,**  
 POVERTY BAY,  
*Taken by the Colonial Forces under Col. Whitmore  
 5<sup>th</sup> Jun<sup>y</sup> 1869.*



SECTION ON LINE C D  
*see plan.*



SECTION ON LINE A B  
*see plan.*



SECTION ON LINE E. F.  
*see plan.*

Scale of Feet.



*O. I. W. Bousfield,*  
 Staff Surveyor.

*To face p.*



60 Arawa, and 370 Ngatiporou. The sides of the winding range were so steep as to defy approach, and the plan of the assailants was to advance by sap in front, while Major Fraser with 200 men was sent to the rear to prevent escape. There was difficulty in this task, and when shots had been exchanged on the 31st December, Colonel Whitmore, after consulting Ropata, altered the route by which Major Fraser was to reach his post. Ropata himself undertook, with 60 Arawa and 60 Ngatiporou, to gain, unseen, the wooded crest of the ridge on the enemy's left front. In front, on his right, in his rear, with no unguarded space except a precipice too steep for foothold, Te Kooti was hemmed in. Known to have been wounded in one of his desperate battles after landing, the tiger was thought to be caged securely in his mountain den. For several days there was firing upon and from the trenches. Shells were thrown into the pah. "Ropata was indefatigable in inspecting his line and keeping the men to their duty." Captain Brown was shot dead. Captain Capel was wounded. Many sorties were driven back. In one which was foiled by Major Fraser, on the steep-sided ridge in the rear, three of his force were hurled over the precipice, and four of the Hau Haus were shot. Major Fraser was not aware that Te Kooti's force was not more numerous than his own. The desperation of his foe made him report that he could no longer hold his position unless an attack could be made in front. That attack Colonel Whitmore desired to make. But the wiser Ropata would not lead his men to certain slaughter; and his counsels prevailed. He ascertained that by a concealed movement the outer ditch and fortification might be surprised. A band of Arawa and Ngatiporou undertook the task, while heavy firing from the trenches occupied the attention of the besieged. With a bound and a cheer, after scaling the cliff, the assailing Maoris seized the left corner of the work, the beleaguered and outnumbered foe falling back before them. The sap was driven rapidly onwards to the next line of defence. The right extremity of the front was similarly stormed by the Ngatiporou under Wikiriwhi and Arapeta. The toils were thus closed on the besieged at dusk on the 4th January. At dawn Colonel Whitmore was preparing to annihilate them, when word was brought that they were escaping. In the night, by lowering

his men, and some of the women, down the precipice on his left, Te Kooti, wounded a second time at Ngatapa, and one of the last to leave his fortress, had again escaped, with a band half-starved and weary with watching and fighting. Pursuit by the conquering Maoris was immediate and relentless. Colonel Whitmore took credit in his report for the mercy extended to the women and children found in the pah, for "the women had fought and excited the men by their cries." He did not report that the women and children found in the pah were Te Kooti's captives abandoned in it. On the 8th January, it was certain that at Ngatapa, and in the pursuit, 136 Hau Haus had been slain. Many of the wounded, Colonel Whitmore said, must have died in the mountain forests in rear of Ngatapa. The character of the chase may be learned from a phrase in his official report: "The pursuers were few if any of them acquainted with Te Kooti, and it is possible he may be among the killed." No one could guess whither he had fled, if he had escaped. Colonel Whitmore was loud in praise of his officers and men. "To none was I more indebted than to the chief, Ropata Wahawaha. His courage in the fight was equalled by the wisdom of his counsel and the command he possessed over his men; whilst his knowledge of the position, derived from a previous chivalrous attempt to take the place with a handful of his tribe and three or four Europeans, was of the greatest value. He was well supported by Hotene, Wikiriwhi, and other chiefs. Captain Gundry and the Arawa were the admiration of the whole force. Always in front, always cheerful and obedient, as brave as they were well-behaved. Much of the credit belongs to their officer." The loss of the attacking force was 11 killed and 8 wounded. Captain Brown of the armed constabulary, and Heteraka, one of the bravest and highest-born of the Arawa, were signal losses. The latter fell while reconnoitring the enemy with Major Fraser. Amongst the slain were trusted leaders. They were not all slain in battle or in flight, nor was the manner of their death reported. But it could not be kept altogether secret. The Maori allies would not affect to conceal what in their warfare was not shameful. Mr. J. C. Richmond the Minister, and Colonel Whitmore the Commander, made no resistance to the demand of Ropata and his friends that they

should deal with captives. Mr. Richmond stimulated animosity by offering £1000 for the body of Te Kooti. Ropata's dealings were thorough. Women were among the victims. As captives were brought in, singly or in small parties, they were shot and precipitated over the natural rampart which had failed to guard them. Some betrayed fear or discontent as they faced their doom. One old chief, highly tattooed, with scornful countenance seemed to welcome his foes to do their worst, which could in no wise shake his soul. Pride was in his eye as he met his fate. Englishmen looked on while for several hours the slaughter was continued, as each prisoner was dragged to the presence of the conquerors. Lieutenant Gudgeon in his book on the war remarks: "Those who surrendered were brought before Ropata, who, after a few questions, ordered them for execution. The system was simple: they were led to the edge of the cliff, stripped, . . . then shot, and their bodies hurled over the cliff, where their bones lie in a heap to this day. Some of the pursuers were two days absent, and even these brought in prisoners." The soul of the editor of the 'Wellington Independent' must have rejoiced; for, although not officially reported, the facts could not but become known. With bated breath they were spoken of throughout the island. The 'Hawke's Bay Herald' (12th January) threw a lurid light upon them. Besides the reward for Te Kooti, Mr. Richmond had offered £50 for the head of Nikora, and smaller rewards for the heads of any others. "The good effect" (a correspondent wrote) "has been seen in the arrival of a great many prisoners, who are shot as soon as they arrive. We have taken from Te Kooti in all 200 women and children prisoners.<sup>1</sup> Such objects! . . . At Ngatapa I saw quite enough to convince me that if Ropata's advice had not been followed, and Ngatapa had been stormed when Colonel Whitmore proposed, most of our force must have been destroyed; and every man of the force with whom I have conversed is of the same opinion." The head of Nikora was brought in. Mr. Richmond paid £50 for it, and afterwards

<sup>1</sup> The emaciated condition of Te Kooti's prisoners was pleaded by one officer as an excuse, if not a justification, for the slaughter of the Ngatapa captives. Yet even that officer saw with a pang, the killing of the resolute chief who in death seemed to breathe defiance.

asserted that (when a Maori ally proposed to carry it about as a trophy) he "directed that the head should be buried." He did not say whether his directions were respected. Colonel Whitmore, writing officially from Turanganui on the 8th January, coolly and deceptively said: "Among the dead are many men of note, Nikora of Ngatihineuri, the leader of the murdering party. . . ." Nikora was found severely wounded, but the fact did not save him from the murder which Mr. Richmond paid for. The result of these proceedings is exposed in one brief line in a return of killed and wounded (A. No. 3, G.) laid upon the table of the New Zealand Assembly: "3rd to 5th January, 1869. Ngatapa. —Killed, 136; captured, none; total, 136." The dry compiler of facts had no column prepared for the prisoners whom Te Kooti had abandoned or, perhaps, like Colonel Whitmore, he might have taken credit for the mercy extended to them.

Nor was the wholesale slaughter of the wounded and the prisoners at Ngatapa the only fruit of Mr. Richmond's policy, if a tale narrated by a member of the constabulary force in 1879 be true. Lieutenant Gudgeon says that, after the taking of Ngatapa, three Maoris appeared at Poverty Bay, whom the settlers suspected of having been accomplices with Te Kooti in the massacre in which Biggs fell. "Justly indignant that men who had so lately murdered women and children should be allowed to settle again among them, the settlers formed themselves into a vigilance committee, and some of the members bound themselves by oath to shoot the next lot of ruffians who made their appearance." Accordingly one Benson shot "the man told off for him." To cloak the deed with nominal decorum a coroner's inquest was held, and Benson was made a juryman. (Gudgeon says he was unwilling to act.) Benson acted on the jury, to which he narrated his exploit. The result the reader is entitled to see in the precise words of Gudgeon, who styles himself "Lieutenant and Quarter-master, Colonial Forces, New Zealand": "The intelligent jury, having heard his statement, brought in the following verdict: 'Shot by some person unknown, and serve him right.' A piece of pure patriotism that deserves commendation in these degenerate days."<sup>1</sup> Mr. J. C. Richmond was not degenerate from Gudgeon's

<sup>1</sup> 'Reminiscences of the War in New Zealand,' p. 255. London: 1879.

standard. He will be found hereafter justifying such a verdict by informing the Governor that there was an inquest, but the jury returned an open verdict, the neighbours "sympathizing, not unpardonably," with the accused. Mr. Richmond's defence and Earl Granville's contentment with it will be told hereafter.

The force of the rebels being shattered, and the forest encumbered with their remains, Ropata was left to pursue Te Kooti. Captain Westrup was to assist, or nominally to guide him. Having made so terrible an exhibition of his own ruthlessness and the complicity of Mr. Stafford's Government, Ropata soon afterwards spared 80 persons, women and others, not known to have been fighting against him. Gudgeon says that when asked the reason of his clemency he replied (satirically we may presume): "I thought you Pakehas might call me a butcher." The Governor meanwhile, undisturbed by the horrors of the warfare thus countenanced by his advisers, returned from a tour to Canterbury, described by him as the continuance of "a policy initiated with success" by his predecessor. He was accompanied by Wi Tako and other chiefs, whose self-love was (he said) gratified by the honours they received in company with the Governor, while their shrewd and observant minds became impressed with the hopelessness of a struggle with the hordes of Nelson, Christchurch, and Dunedin.

At this time Sir G. Bowen received a reply to his earnest appeal for help made when Colonel McDonell was routed near Ngutu-o-te-manu in September, 1868. The Duke of Buckingham was sorry for the disaster, but could not suppose that 220,000 Europeans, with the loyal Maoris, were unable to dispose of a few hundred rebels. He found "no reason to vary the instructions already given." The last soldier must leave New Zealand on the arrival of the transport ship, and it was difficult to imagine such a state of affairs as would induce Sir G. Bowen to take the responsibility of detaining any troops after receiving his instructions.

General Chute visited New Zealand to make final arrangements. Mr. Stafford, goaded by the tone of the Duke of Buckingham's denial that the Imperial Government had broken faith with the colony, drew up a memorandum in which he declared that sneers might be spared by those who remembered



that "when one of England's best generals at the head of 10,000 British soldiers and 5000 colonial auxiliaries, besides friendly natives, encountered the same foe whom the colony has now to face, the result was neither brilliant nor conclusive." Mr. Stafford roundly denied that the abandonment by the Imperial Government of all control over native policy was conditional on being totally relieved from responsibility for military defence of the settlers. His Grace's statement, he said, "teemed with inaccuracies and anachronisms." They were fit only to eke out foregone conclusions, and, except in order to defend the character of the colony, deserved no notice. The colony would have learned with lively interest the views of the Imperial Government as to future relations. "The total silence of his Grace on this subject (for it can surely not be intended that the interchange of condolences and reproaches is to be the only future nexus), and the absence of any indication of a positive policy, deepen the peculiar impression made by the despatch of the 1st December last."<sup>1</sup> Earl Granville received, and characteristically commented (23rd April 1869) on, Mr. Stafford's protest. "As I cannot doubt that Her Majesty's troops will have finally left the colony before this despatch reaches you, I do not think it advisable to pursue a discussion which is no longer practical, and which is naturally viewed in a different aspect by the Government of this country and by that of New Zealand."<sup>2</sup> It was perhaps impossible for Earl Granville to treat the question satisfactorily in 1869. He was now serving under Mr. Gladstone, who had in 1846 been a member of the Peel Government which honourably administered New Zealand affairs. The policy of Peel and Derby was now exploded. The new order of things was incapable of public defence; but much could be done in the way of stifling inquiry, or by diplomatic evasions of troublesome disputes. The Earl had recently rejected Sir George Grey's appeal for inquiry as to the slain prisoner. His course was to put off inconvenient questions, as is the wont of Ministers in Parliament. An adroit sneer would serve instead of argument to put down pertinacious colonists; and the Earl did not perceive that the successful and insinuating retort which amuses the House, where it can be immediately explained away as

<sup>1</sup> P. P. 1869, p. 353.

<sup>2</sup> *Ibid.* p. 431.

gentle trifling, might, when committed to a despatch winged to the uttermost parts of the world, cause bitter rankling in the minds of men whom it was unwise to taunt, and whom no explanation could soothe until after lapse of months. Major Atkinson, who had been Minister for Colonial Defence in Mr. Weld's Ministry, was in England, and appealed to Sir George Grey to aid in protesting against the immediate removal of the troops. Repeating his adherence to the self-reliant policy which would dispense with regular forces in New Zealand, he declared that at such a juncture to remove them would give confidence to rebels, dismay the loyal, and render future warfare more bloody and disastrous. Sir George Grey, though already foiled in his own appeal to Downing Street, transmitted Major Atkinson's letter to Earl Granville, stating that he concurred with its arguments. The Earl replied that the 18th Regiment would be left in New Zealand until May, by which time he hoped the alarm of persons connected with New Zealand would be diminished. Other New Zealand colonists were in England. Mr. Waterhouse and Mr. George Graham separately addressed Earl Granville. The former wrote (June, 1869): "If those troops be withdrawn the blood of thousands of your fellow-countrymen may lie at your door, and England may witness the destruction of a thriving colony." He urged a reference to Sir George Grey. Earl Granville wanted not such advice to prompt him to a sneer. The Government must "measure the importance of presence of troops not by statements of private informants," but by the deliberate acts of the Government and Legislature. Mr. George Graham deprecated removal of troops, not because he wished to coerce the natives, but because he would not trust Mr. Stafford . . . (who) "some years ago urged Governor Browne to commence the unjust and unnecessary Taranaki war over the disputed sale of the Waitara. All parties in Auckland that had anything to lose strongly protested against that act of injustice. . . . Mr. Stafford and the relatives of some of his colleagues then in office are in the present Ministry, . . . and I do, as an old colonist, protest against the Imperial guarantee being given to any future loan for war purposes. . . ." The Earl merely acknowledged the receipt of the letter. A misconstrued telegram delayed the removal of the troops and entailed much

correspondence. In March, Mr. Stafford sent questions to England. Could a regiment be retained on Earl Carnarvon's conditions of 1866? If not, by what payment per head? Could more than one regiment be kept if paid for? If retained, could they repress insurrection if directed by the Governor? If not employed in the field, might they support colonial outposts? If the Governor might not use his discretion, might "troops be stationed at such of the following posts as he might indicate, viz. Auckland, Taranaki, Wanganui, Wellington, Napier, Tauranga, Ngaruawahia, Taupo, Patea; and what would be the minimum strength of a detachment at any of the four last-named places?" If Mr. Stafford expected that conscious ignorance of details would remit their control to the Governor, lest the Earl should fail to distinguish between some inland post and a sea-port, Mr. Stafford was disappointed. It was unfortunate that such questions should be asked on the eve of the removal of troops. Mr. Stafford's difficulty in understanding on what conditions troops might be retained was not due to variations of policy in England, but to the fact that no conditions existed, the only conditions proposed from England having been rejected in the colony, and no others having been propounded. For himself he found no basis for a change of policy in Mr. Stafford's minute. He sympathized much with the settlers' misfortunes, and regretted the crimes of a portion of the rebels, but could not change his policy. The local government must determine whether to continue the war, or to aim at a peaceful solution by such negotiation with Tawhiao as Sir George Bowen had suggested in his confidential despatch of 7th December, 1868. The Colonial Government must have felt that, whatever they might wish, they could procure no men from England, and it is notable that in a memorandum which Mr. Stafford wrote to the Governor concurrently with the one sent to Lord Granville, he said that the Ministry were considering the policy of extending the liberality shown to natives who had been dispossessed of land for acts of previous aggression. Confiscation was felt by the high-handed wrongdoer at Waitara to have been strained too far. Poverty of resource, not sympathy with the Maori, induced a change of tactics. There was general dread of what the Maori king might do. Through the Ministry Sir

George Bowen obtained information, and to them his despatches were shown. On the 15th March, he wrote that it was generally estimated that the so-called "Maori king could bring from 10,000 to 15,000 practised guerilla soldiers from the central highlands against the European settlements, and after diligent recruiting throughout New Zealand and in Australia, the Colonial Government has been unable to raise its permanent force of armed constabulary to above 2000 men." Tawhiao could bring into the field no such force as was ascribed to him: but reputation in this instance was as powerful as a brigade. A Maori meeting was expected to take place. The debt of the colony was enormous in proportion to its receipts. Earl Granville was withdrawing troops in language which embittered the fact. Mr. Stafford arrived at the conclusion that on loyal Maoris and on justice to all Maoris the colony ought to rely for safety.

## CHAPTER XVI.

## COLONEL WHITMORE.

WHILE the Earl was lazily putting away serious considerations, Colonel Whitmore was hard at work in New Zealand. After the capture of Ngatapa he returned to the west coast. Colonel McDonell and Rangihwinui had not been idle during his absence. A scouting party from Patea found Ngutu-o-te-manu unoccupied. It had been much strengthened by Titokowaru, but he was at Tauranga-ika, near Nukumarū, and had not garrisons for all his forts. Ngutu-o-te-manu was destroyed, and large stores of potatoes found there were uncovered and left to rot. From the position of charred remains, it was inferred that Von Tempsky and the others whom McDonell had lost, "were partly eaten and partly offered up as a sacrifice by the infamous Titokowaru and his band." On the 2nd February, Colonel Whitmore shelled Tauranga-ika,<sup>1</sup> and prepared to invest it on the 3rd. Titokowaru, though sheltered behind double rows of palisades backed by rifle-pits and by strong cover for marksmen, found the shell-practice fatal, and on the morning of the 3rd he was gone. His rear-guard escaped the pursuit of scouts. There was no gateway through the palisades, no egress except by underground passages. Palisaded roads traversed the interior. Wondering at Titokowaru's flight from such a stronghold, Colonel Whitmore pursued. Titokowaru retired to the forests beyond Moturoa, the scene of his recent success. He trusted apparently to ambuscades, for when ten men with their commander's permission went to collect peaches, seven were killed and one was wounded before a relieving force could go to their

<sup>1</sup> Where Bryce and Maxwell harried women and children in the beginning of December, and Maxwell was afterwards shot in the same month.

rescue. Rangihwinui, with a band of Arawa and Wanganui men, scoured the country without loss near Putahi.

It will be remembered that the Rev. J. Whiteley, a Wesleyan missionary, distinguished himself by his animosity against Te Rangitake, and defended the terms of the proclamation of martial law in the Maori language which Mr. Stafford sent to Taranaki in 1860. Though more than sixty years of age he laboured earnestly in his sphere,<sup>1</sup> strong in opinion, and vigorous in body. He had been a missionary in New Zealand in 1832. It was his custom to ride from Taranaki to different outposts on Saturday to officiate on the Sunday. On the 13th February, 1869, he was proceeding to Pukearuhe, a block-house at the White Cliffs, where Lieutenant Gascoigne with his family resided. On that day a small band of Maoris had descended on the redoubt and had slain Gascoigne, his wife, three children, and two Englishmen. As the missionary, after crossing a stream, began to ascend the hill on which stood the redoubt, he was ordered by Maori voices to go back. He rode on. A volley was fired, and his horse fell. He was seen to kneel in attitude of prayer. Another volley was fired and the brave man passed away. When the tidings reached Taranaki the bodies were taken thither for interment, and an obelisk was erected in memory of the eight persons thus slaughtered at the White Cliffs. At the time when these massacres occurred there were rumours of intended outbreaks elsewhere. Taranaki was in terror. Though there was a detachment of the 18th Regiment stationed there, it was under orders to leave in a few days. Sir George Bowen reported

<sup>1</sup> On the 30th of September, 1868, Mr. Whiteley had written a foreboding letter. He had never felt so desponding during his residence of 35 years in New Zealand. The troops were gone or going. England seemed to desert the settlers and the loyal Maoris. The rebels would "seek 'utu' (payment, revenge) for all the past." In Abyssinia the English had completed their work and the author of evil was slain, whereas the army was withdrawn from New Zealand before it had done its work. . . . It has been said the natives are fighting for their lands. But the earth is the Lord's, and for 600 years he has been waiting for them to occupy. Six hundred years more may find them with millions upon millions of unoccupied acres; and Providence indicates that now shall this portion of his earth be occupied by those who are able and willing to bring forth the fruits thereof." If such was the measured language of a serious letter, it requires but little imagination to suppose that in casual speech the old enemy of Te Rangitake would often bring hatred upon himself.

that among the mining population on the Thames river, Fenian conspirators were tampering with the Hau Haus. A Fenian flag was sent to the Maori king by men with the Irish patronymics of O'Connor and O'Neil, the former of whom, with the vanity which made Wolfe Tone admire himself in French clothing in Paris, exhibited to the Maoris a photograph of himself in Fenian uniform. Plaintively, the Governor thought it unfortunate that these things should occur, and that the entire withdrawal of the English soldiers should take place on the eve of the arrival of the Duke of Edinburgh in the colony. With this faint hint that Fenian assassins might endeavour to complete in New Zealand the work essayed in Sydney, Sir George Bowen promised to inform Earl Granville of the progress of events. He was mistaken if he thought that any danger to the Duke of Edinburgh in New Zealand would alarm Earl Granville in London. Meanwhile, no mercy was expected for or from Te Kooti or Titokowaru. The former, with a band of unknown numbers, swooped down to the Bay of Plenty from the Uriwera mountains early in March, scaring the settlers and their families to redoubts at Tauranga and Opotiki, capturing a pah from Maoris loyal to the Queen, destroying a settlement at Whakatane, and killing all who resisted. Kereopa was said to be with him. An old French settler sold his life dearly, defending his house. From the deck of a steamer Te Kooti himself was seen galloping about on a grey horse, conspicuous with a red shirt, boots and breeches, with a sword by his side, and four revolvers in his belt. Mounted orderlies approached him with a military salute and went to do his bidding. He was then reconnoitring a position held by Major Mair near the mouth of the Whakatane river, with a mixed force of 200 Europeans and Maoris. In a short time Te Kooti's army dwindled away, and he retreated to his mountain fastnesses, followed by Major Mair, who was strengthened by an accession of 200 Arawas. At Tauaroa, Te Kooti seemed brought to bay one night, but in the morning only his departing rear-guard was in sight. Major Mair accused his Arawa friends of backwardness. They were thought to shrink from the rugged Uriwera country and its fierce inhabitants. Some of the Arawa complained that the Government would not pay them sufficiently for their toils.



Meanwhile, Colonel Whitmore and Rangihwinui pursued Titokowaru on the west coast. Early in March, with about 600 men, an advance was made up the Patea river. Titokowaru's camp was taken. Rangihwinui commanded the right column, and dashed into the camp so promptly that baggage and moveables were left indiscriminately behind. Rangihwinui, allowing his men little time to plunder the camp, pushed on, driving the enemy before him. Titokowaru escaped by swimming the river, Rangihwinui's rapidity having prevented the fugitives from crossing by the main ford. Colonel Whitmore reported (14th March) that though the enemy's actual loss was small, his ignominious flight must ruin his reputation irretrievably. To follow him in tangled forests was difficult. Colonel Whitmore regretted that Ropata with the Ngatiporou was not with him. The value of "so intelligent a chief at the head of the bravest 'hapu' of the best bush tribe in New Zealand" it would be impossible to exaggerate.

Great efforts were made to induce Ropata to lead some of his men to the west. In 1868 the Government had accepted an offer made by Mr. Donald McLean to aid in securing the co-operation of the Maoris at Hawke's Bay and the east coast. Ropata arrived at Napier with 80 followers, and consulted McLean, having no desire to go to the west without Mr. McLean's concurrence. McLean by telegraph dissuaded the expedition. The Ministry persisted. Ropata declined to go, alleging that his absence from his district invited attack. The recruiting officer persuaded 19 of the men to go with him. The rest were obedient to Ropata. Angrily declaring that McLean had set "a vicious example" by dissuading Ropata, Mr. Stafford removed McLean from his agency for the Government. The English residents in the surrounding districts passed strong resolutions favourable to McLean and hostile to the Ministry. They prayed that the General Assembly might be convened. Mr. Stafford became less petulant. It was plain to him and to them that by needless insult of a man so trusted as McLean with regard to native affairs generally, and so influential in the districts kept in terror by Te Kooti, he had done much to convert the scant majority of 1868 into a minority in 1869. The friendly Maoris also were offended. Karaitiana Takamoana declared that he

had besought Ropata not to go away,—that Mr. McLean was not the dissuader, and that “if he fall the whole of the Maoris of this coast will fall with him.” As it was well known that without Rangihwinui on the west, and Ropata on the east, the English appeared to disadvantage in the field, and as the east coast Maoris were unwilling to serve under Colonel Whitmore without the chiefs in whom they trusted, it might be affirmed that from the date of their insulting Mr. McLean the doom of the Stafford Ministry was certain. Failing to obtain the aid of Ropata, Colonel Whitmore devised other plans. “If (he wrote) the Ngatiporou are unavailable, and *hounds to carry the trail* considered to be improper agents for the purpose, I would suggest that some Australian blacks should be engaged to supply what only very great practice can give to Europeans, and what I have not got in this force—the faculty of tracking fugitives in the bush.” Scorned in his own country, except when his unrivalled hunting and tracking powers were required by Europeans in pursuit of game or of his brethren, in an hour of need the Australian became the hope of the leader of the forces of New Zealand. At the head of 350 men, Rangihwinui, having ascertained that the enemy were in full retreat to Whakamaru, pushed forward, discovered their camp, sent back for the armed constabulary, and placing them in concealment in front, made a circuit to enclose Titokowaru in rear. Colonel Whitmore arrived at the front. The harangues of Titokowaru and others were distinctly heard. All hearts were exultant at the thought that in a short time Rangihwinui would bar the retreat, when a mounted rebel, said to have been Katene (McDonell’s quondam guide), rode almost into Colonel Whitmore’s hands, discovered his danger, fired his revolver, and galloped back to his friends. Colonel Whitmore advanced, but Titokowaru was gone. Rangihwinui, “after his men had cooked, continued the pursuit, and at sunset fell in with their rear. They attempted to lay an ambuscade for Rangihwinui’s advance, but were attacked so quickly and with such determination that they could not hold their ground; but they sprang off rapidly and dispersed so quickly, after delivering their fire, that only one could be killed. Rangihwinui, however, pressed on, clambering up a precipice, forcing him to abandon an already

prepared sleeping-place, and inflicting some loss in this and similar skirmishes during the following day." Titokowaru was in full retreat towards Te Ngaere. To it Colonel Whitmore said, "no guide could be found to show the way, but Rangihwinui with his usual intelligence made it out correctly." Across the treacherous marsh three large kaingas or villages were seen. No fires were lit in the English camp, screened as it was by tangled growth on the forest margin. The hapu of Ahitana, not hostile to the English, was known to be peaceably residing at Te Ngaere, but Colonel Whitmore was sure that Titokowaru was there also. At night a woman's voice was heard summoning the Maoris: "Come hither, ye brave, come hither to the food." By means of long hurdles made on the spot the attacking forces were transported across the swamp at daylight on the 25th March. They saw some Maoris apparently escaping, and others approaching the new-comers with the friendly welcome, "Haere mai." In this manner the son of Ahitana met Colonel Whitmore, who suspected the villagers of aiding the escape of Titokowaru, who was gone towards Te-Ngutu-o-te-manu. Colonel Whitmore came to the conclusion that about 70 of Titokowaru's people were present at the surprise of Te Ngaere, and walked off while the son of Ahitana met the English commander. Rangihwinui having traversed the country and ascertained that Titokowaru had fled, the Wanganui men returned to their homes, and Colonel Whitmore marched to Taranaki. A few stragglers dead, or dying of inanition, were seen by Rangihwinui, but the rebel leader had made his way to the Upper Waitara, north of Taranaki. Scouting parties were left to defend the settlements, and Colonel Whitmore proceeded by way of Auckland to the east coast. A marauding expedition, under a detachment of the Wanganui militia, destroyed at various places on the Waitotara river, settlements, cultivations, eel-weirs, and, in its commander's phrase, "any stock we could not eat." Scattered families fled in terror from it. At one pah a decrepit old woman was left to fly a small white flag, but she did not save the dwellings.

Amidst all these wars and the wild rumours to which they gave birth, Te Rangitake and his followers loyally kept the peace at Waitara, and refused to Titokowaru a passage through

through their territory. Mr. Parris reported that he had only to speak, and he would command the support of all Maoris unfriendly to the English. But Rangitake kept his pledge of peace. Under these circumstances Te Kooti was deemed more dangerous than the routed Titokowaru, and it was resolved to discontinue the campaign in the west, with reference to which the Minister of Defence, Colonel Haultain, writing in April to the Governor, added his tribute to the general praise of Rangihwinui's "courage and resource as remarkable as his modesty and devotion."

When Major Mair abandoned his pursuit at Tauaroa, Te Kooti remained at Ahikereru, whence he could make prompt raids either upon the Bay of Plenty, on Napier, or Wairoa, or could reach Rotorua, or the Waikato, as he might choose. The Civil Commission at Tauranga urged an immediate expedition to crush the freebooter, while short of ammunition. On Saturday, the 10th April, he appeared, where least expected, to supply his wants. He treacherously captured a pah (Huke), on the coast at Mohaka (about 40 miles from Napier), murdered the inmates, 7 Europeans and 57 Maoris, destroyed all habitations, and made off with some casks of ammunition and a few rifles. There was a small pah (Hiruharama) at Mohaka, in which Ihaka Whanga and others defended themselves successfully for two days, and Te Kooti beat a retreat before 400 of the Napier militia arrived to learn that the marauders had escaped with their booty. Colonel Whitmore hastened to the scene, and with armed constabulary and allied Maoris carried war into the Uriwera territory. Colonel Herrick with one force, Colonel St. John with another, and Whitmore with a third, traversed the land, but vainly sought to bring Te Kooti to a pitched battle or to sustain a siege. They captured pahs after desultory skirmishing from rifle-pits, and found them empty. On one occasion the retiring conquerors saw the enemy, of whose immediate proximity they had been unconscious, march quietly into the camp which had been left by the constabulary and the Arawa. Te Kooti himself, after his raid at Mohaka, returned through his mountain fastnesses only to hear at Waikaremoana that Ruatahuna had fallen into the hands of his enemies. He despatched some followers to dog the retiring forces, and took

up a central position from which he might guide his adherents and march suddenly to the interior or to the coast. Want of ammunition distressed him; and the winter cold pinched bitingly those who had scant store of food.

The season had its terrors for the allies. The Arawa declined to march beyond Ruatahuna. Great efforts were made to persuade Ropata Wahawaha of what was called his "sulkiness," but it was found that his counsel could not be dispensed with, and that without him his countrymen distrusted the capacity of the Pakeha leaders to cope with the wily Te Kooti. How that hunted robber could retain an army seemed mysterious. Out-numbered always, he was not deserted. To a cunning which availed itself of every art of vantage, he joined the show of pious belief. A native gave an account of a meeting at which for five hours he addressed assembled chiefs, and persuaded several to flock to his standard. That which the Ministry dreaded was his escape into the territory of the Maori king, where his influence might stir the latent fanaticism of Tawhiao's adherents.

From his post of espial Te Kooti watched the colonial forces, some of whom were stationed at Fort Galatea on the Rangitaike river. He waylaid troopers with despatches. Colonel St. John was about to go from Fort Galatea to Lake Taupo, to arrange for such an occupation of posts as might foil Te Kooti if he should endeavour to pass towards Waikato. Te Kooti cautiously followed an escort party. At Opepe his advance-guard saw smoke arising where they had thought there was no inhabitant. A body of troopers was there. Te Kooti sent scouts into various ravines to prevent escape, and ordered picked men to saunter up as if they were Arawas, friendly to the English—to go between the troopers and their arms, and to massacre them. The device succeeded. The men were deceived. Ten troopers were reported as killed. A sergeant with two men escaped to Fort Galatea. Te Kooti had not succeeded in making away with Colonel St. John, who, fortunately, had with four others ridden forward before Te Kooti arrived at Opepe. But all the ammunition with the escort party was seized. The successful marauder passed on and murdered 21 Maoris at a village before he took up his abode at Lake Taupo. There he persuaded Te Heu Heu to join him, and thence, after some time, with a powerful

band, he went to Tokangamutu to confer with the Maori king.

What the Ministry most feared had come to pass. When in June they heard that Te Kooti had slain the troopers at Opepe, they knew that there was nothing to bar his way to Waikato. At that time also Mr. Stafford had to encounter an eager Opposition, strengthened by Donald McLean, whom Mr. Stafford had gratuitously insulted and removed from office at Napier. To add to their troubles, some of the armed constabulary at Fort Galatea mutinied, demanding more food; and the Colonel in command was powerless. The Ministry which could complacently approve the slaughter of prisoners, lost temper at remonstrance. They were irritated beyond measure at the thought that two men, wantonly driven to resistance, were able with a few undisciplined enthusiasts to foil the colonial forces. In the North Island there were altogether more than 2000 Europeans and 1000 Maoris maintained in the field to crush the two bandits who defied the Government. In the armed constabulary the men received five shillings a day. The militia and the Maoris were paid alike; receiving four shillings a day, with an additional shilling when serving outside of their own districts. Scouts received eight shillings a day for carrying their lives in their hands. While battling with the discord which he had, in 1860, done so much to create, Mr. Stafford was further provoked by a polite but galling remonstrance from Earl Granville. The Earl observed in the newspapers that a reward of £1000 had been offered for Titokowaru—he inferred alive or dead—and £5 for every Maori rebel brought in alive. He pronounced no opinion, but thought such steps at variance with the usual laws of war. The Governor's despatches had been silent on this and on other questions, such as the breach of faith with the exiles at the Chatham Islands; and the arbitrary seizure of Maoris as hostages on the west coast, which was thought to have produced Titokowaru's outbreak. The Earl wished for explanations. It would have been difficult for a Governor to explain either his complicity or silence. Sir George Bowen contented himself with sending a memorandum from Mr. Stafford. As to Titokowaru, "the report which has reached the Colonial Office is exactly true, as also the inference drawn by his Lordship that it

was implied in the offer that the reward would be given for the body of Titokowaru, alive or dead. Ministers regret if this offer has not been reported in the copious minutes of events furnished to his Excellency by every mail. It is right now to add that a similar reward on the same terms has been offered for the body of Te Kooti." The offers were exceptional as were the atrocities which produced them, but were not without precedent in the history of India, or of "Fenian outrages in the heart of the United Kingdom." Mr. Stafford condescended to no further explanation. The colony must, he said, be content to bear the "censures of unreflecting critics." A more careful defence was made by the Under-Secretary for Native Affairs. It was admitted that, in the matter of supposed horse-stealing, the high-handed carrying away of hostages by Colonel McDonnell was irregular, but not that it had any direct bearing on the subsequent acts of Titokowaru. It was admitted that hostages and prisoners were seized; that three of them were released; that a fourth, Ihaka, was remanded for a week; that he escaped from durance, and was present at the murders which a few days afterwards, "according to Maori custom, commenced open war." At a later date Earl Granville returned to the subject, when his attention was drawn to a newspaper statement that Mr. J. C. Richmond, at Ngatapa, offered £50 for the head of Nikora, £500 for that of Te Kooti, and £1 per head for others, who were shot as soon as brought in. He could make every allowance for indignation at Te Kooti's atrocities, and would not deny the necessity of extraordinary measures, but "a general offer to savages of £1 for every head brought in" was calculated to intensify the worst characteristics of the Maori nature, and to breed in the relatives of the victims a thirst for revenge.

Strange are the contradictions of the human mind! The same high functionary who would make no effort to wipe off the stain cast upon England's scutcheon by the killing of a prisoner of war, now called upon others to do what he had set them the example of shunning. "The statement that prisoners are shot as soon as they arrive is unaccompanied by any information as to what steps are taken to secure that the persons so put to death have been implicated in any of the more criminal acts of the rebels."



Mr. Richmond was not an unprofitable pupil in Earl Granville's school. He had paid £50 for the head of Nikora. He would have paid £1000 for Te Kooti dead or alive. He said nothing about the deaths of flying men and women shot on the chance that the pursuer had Te Kooti in view. He had offered £5 for every Chatham Island refugee brought in alive, and "in two or three cases the reward had been claimed." One of such prisoners was afterwards killed; but it was believed that the killer's child had been previously killed by the prisoner. There was an inquest, but the jury returned an open verdict, the neighbours "sympathizing, not unpardonably," with the accused. If suggestions of censure on the Colonial Government were to be founded on newspaper statements, it could retort by urging that the London 'Times' had in February, 1869, advised that the hands of the colonists should be free to choose their measures; that "the two races must be left to settle accounts with each other." Another English paper had said that the Maoris would perish; but it was not England's business to save them from the consequences of their own acts. This, Mr. Richmond said, was "no doubt cool philosophy," but colonists had long ago said that if the two races were left to fight out their quarrel over New Zealand soil, the Maori must be swept away, and the non-intervention by England "practically admitted" that it was no business of hers.

Sir G. Bowen was more diplomatic than Mr. Richmond. He explained that Colonel Haultain was absolutely unpopular with the press because he would not yield to the clamour which called for a reward of £5 for every Maori head brought in. He urged that the Colonial Government was endeavouring to mitigate the horrors. He wrote as if he expected to be believed. He claimed no credit for having warned the Secretary of State that horrors would not be averted by the removal of British troops. On a recent occasion the thirst for Maori "utu" was so strong that it was "with extreme difficulty that Maori allies were induced to refrain from indulging in their turn in a cannibal feast" upon the bodies of Hau Haus who had slain some of their relations. He did not explain why he had made no representations on the subject at an earlier date.

Earl Granville was charmed with the "cool philosophy" which

Mr. Richmond echoed back to England. "The subject is one on which I am myself glad to be satisfied, and the present despatch will show that your Ministry repudiated and held in check those feelings of ungoverned animosity which must necessarily prevail in certain portions of a community situated like that of New Zealand." He delicately hinted, however, that there was a lurking repugnance in Englishmen to condone atrocities, and that when excesses, to some extent "excusable in proportion to outrages on the other side," occurred, the Imperial Government could "not escape the duty of sifting, by way of reference to the Governor, the truth of the reports which reached England. Indeed" (he added) "it is often impossible to prevent the expression of public opinion against cruelties committed even in foreign countries with which England has no constitutional connection whatever." Not the crime under his cognizance, but the consequence of its exposure before a blunt English public, had terrors for the Earl. Had he been prescient of a few short years, he would have known that he and his party would be found striving to do what he almost complained of as impossible to prevent. Politicians out of office often find sweet morsels in that which they reject as poison when in power.

In a later despatch (7th July), Sir George Bowen expatiated on the "strong comments" made in the New Zealand Parliament and press upon Earl Granville's interference. The Attorney-General supplied a paper to prove that the natives had no rights under the treaty of Waitangi; that they were included under the Queen's sovereignty; that the rebels had no belligerent rights; and that their conduct had "forfeited all title to the observance towards them of the usages of war, if they ever had such title." Unwilling to put forward ministerial arguments as his own, Sir George Bowen introduced some of them as current in New Zealand. Why blame a Ministry for measures less stringent than those in Canada, India, Ireland, Ceylon, Cephalonia? Earl Granville disclaimed any desire to interfere. "As to the supposed questioner (whose arguments you appear to adopt), I am not prepared to inquire whether the most severe acts of Lord Seaton, Sir H. Ward, and Lord Torrington, were those for which they were held entitled to public

approval." As to Titokowaru, the Earl hardly understood the Governor's meaning. He seemed to disclaim the application of martial law, but there was no colonial enactment enabling any chance person to shoot down a murderer untried. When the Earl's despatch was received, the New Zealand Attorney-General (Prendergast) was brought forward to counteract it. He argued that the safety of the State justified the acts of the Government. He quoted books which held that felons fleeing might be shot down, and wrote as if such statements justified the indiscriminate slaughter of Maoris with whom the Queen had entered into a solemn treaty. It was very needless to urge such a defence. Nothing was wanted to repress the humanity of Earl Granville.

Before confronting the General Assembly on the 1st June, the Government, well aware that their discourtesy to Mr. McLean was a danger in their path, strove to make terms with the Maori king.

It will be remembered that soon after Sir G. Bowen's arrival in New Zealand he described the capture and restitution of cattle taken from Mr. Firth as analogous to the Highland raids depicted by Sir Walter Scott in 'Waverley.' Mr. Firth, who had followed various callings in Auckland, as a trader in bricks, a miller and merchant, and had in the Assembly supported by his vote the Taranaki war and confiscation of Maori lands, had, after the close of the Waikato war, devoted his attention to the acquisition of a landed estate by peaceful negotiations, which the Land Court Act of 1865 might protect. He had recourse especially to Waharoa the king-maker, through whose patronage he acquired leasehold property convertible (and converted) into freehold. On learning Earl Granville's accession to office, Mr. Firth wrote an elaborate letter on the critical position of the colony in consequence of what he called "the policy of abandonment" adopted by the English Government, which was calculated "to deprive the Crown of a valuable colony, and might lead to the destruction of Her Majesty's colonial empire." He had used the influence which attached to the friend of the king-maker, and had besought the advisers of the Maori king to discountenance the atrocities of Titokowaru and Te Kooti, chiefs not of high birth.

Divisions in the king's council had prevented Tawhiao from

taking strong measures to coerce Te Kooti; but to "the singularly peaceful attitude maintained by the Maori king" was due the absence of a "general rising among the tribes." Yet bands of armed murderers traversed the country. The Queen's laws were the scorn of rebels, and were regarded as a mockery by the loyal. The laws of the Maori king were becoming weaker. Anarchy was near. At Poverty Bay three Hau Haus were captured by loyal Maoris. A settler, whose son had been murdered, called on Major Westrup to avenge his son. Major Westrup declined. The settler, with a friend, went to the Maori allies and demanded the death of the captives. A firing-party levelled their arms, and one of the Hau Haus fell dead. The others escaped in the darkness, though one was wounded.

To such a condition was the Imperial policy reducing the colony. Nay, on the judicial bench at Nelson had just occurred a scene of like significance. Mr. Justice Richmond, the former colleague of Mr. Stafford, had declared, "it had now become impossible to carry out the ordinary law in the ordinary way in the North Island. . . . If we were to be burdened with the responsibilities of independence we should also be permitted to enjoy its powers." Mr. Firth thought that when a Judge could utter such words "judicially, a very vital and radical change must shortly take place in the relations between England and her colony of New Zealand." Yet the colonists contemplated a rupture with the mother country only "as a bitter and cruel necessity" imposed by the Imperial policy of abandonment. If Her Majesty's new advisers should adhere to it as irrevocable, "then ancient Rome would not have been the only empire to teach the world that the decay of national spirit is but the precursor of the decay of national power." Sir G. Bowen in sending Mr. Firth's letter, said: "I am informed that Mr. Firth's opinions are also expressed by a large portion of the press and the general public, especially in the North Island." It is almost needless to say that Mr. Firth's anticipations did not disturb Earl Granville's equanimity. A leading journal in Sydney said: "In the face of this danger the 18th Regiment is peremptorily recalled. In dealing with such subjects the Liberal Ministry have hardly been so successful as their predecessors. The Conservative Government has shown itself more anxious for the honour of the

nation than for its gold. . . . The Maori king does not, for the moment, take part in the war. Everything will depend on his views and conduct. If he should rise, all will rise. . . . Sir George Bowen has a task of immense difficulty—one which will require consummate skill and patience.” These and other expressions of opinion Sir G. Bowen forwarded to Earl Granville, who merely acknowledged their receipt. He behaved with scant courtesy to the Governor. Though with Mr. Richmond’s “cool philosophy” about rewards he was “glad to be satisfied”—he did not relieve Sir G. Bowen from implied censure in the matter, although it was admitted by Colonel Haultain that the Ministry neither brought the subject before the Executive Council, nor advertised the rewards in the ‘New Zealand Gazette.’

The arrival (April, 1869) of the Duke of Edinburgh, whom the Maoris styled “the Queen’s Son,” produced no change. The Maori king was not prevailed upon to meet him. He would take time to consider the question. Mr. Stafford postponed the meeting of the General Assembly, partly because it would have interfered with the reception of the Prince in the provinces, and partly because in the absence of the Treasurer (Mr. Fitzherbert) in England, he was unable properly to deal with financial measures. Wherever the Duke arrived he was received with the profuse loyalty which characterized his tour in Australia. Maori chiefs presented to him green-stone heirlooms prized for centuries. Tamihana te Rauparaha, the son of the dreaded chief who laid waste the country around Cook’s Straits, presented one which had been renowned in song and tradition. He was childless, and said :—“As my house is gone like the moa, I bequeath the talisman of my fathers to the son of the Queen of England and of New Zealand.” A meeting, called by the Maori king at Hangatiki, on which the minds of all the English in the North were intent, took place in the end of April. Three thousand five hundred persons attended, of whom 1700 were men in arms. To the relief of the Government the speeches, though couched in ambiguous terms, were pronounced to be peaceful in tendency, and complicity with the atrocities of Titokowaru and Te Kooti was disclaimed. Tamati Ngapora, the king’s chief counsellor, who had taken a new name, Manuhiri, had consented to permit Mr. Searancke, the resident magistrate in the Waikato and

Raglan districts, to be present at the meeting. Only one other European, Mr. Louis Hettit, a Frenchman married to a chief's daughter, was present; and Hettit had always been permitted to live on the confines of the king's territory. He was married to a relative of Rewi. Natives loyal to the Queen had been invited, and many were there. The first greetings between them and their hosts, Mr. Searancke was not permitted to see; but a war-dance, in which 160 guests and 400 of the king's men with double-barrelled guns took part, he saw. Speeches followed the dance. One thing seemed remarkable. The king's people had changed their names. All baptismal names had been cast away and old Maori names taken in their places; just as before the Greeks threw off the Turkish yoke they christened their children by names enshrined in ancient story. Tamati Ngapora's name, Manuhiri, described the condition in which his exile placed him. It signified that he was a "guest." Rewi had become Manga. Nevertheless, his speech was peaceable and straightforward. He admitted that he had formerly done much to create war, but declared that he had now put it away from him. The Aukati, or pale, was strictly enforced against all who were not invited to the meeting. Europeans who strove to accompany invited Maoris were stayed at the boundary. Wiremu te Wheoro, a constant ally of the English, was listened to with profound attention. When he said—"I will return to my place and my treasures (ancestral home), and never will I leave Waikato—the land of my forefathers and my treasures—no, never, never, never,"—the hearts of his hearers throbbed at the thought that they were exiled, their lands were confiscated, the tombs of their fathers profaned by the stranger. For several minutes after Te Wheoro's speech there was silence as among the dead. Not only his words but his character gave him weight. The king-maker had always averred that Te Wheoro was the best of the Waikatos on the side of the Queen. The frank manliness of his appearance would have sufficed to make friends in any part of the world. Though duskier than many of his countrymen his features were of a cast common in Europe. So much importance was now attached by Mr. Stafford to a friendly arrangement with the Maori king that the Queen's son was induced to delay his

departure from New Zealand in the hope that he might meet Tawhiao at Ngaruawahia. Mr. Firth negotiated with Tawhiao, with the cognizance, but not as the envoy, of the Government. The General Assembly was to meet on the 1st June, and Mr. Firth started on his mission on the 27th May. It was thought that favourable terms concluded with the Maori king would foil the onslaught of Mr. Fox, though strengthened by Donald McLean. Mr. C. O. Davis and Mr. Preece accompanied Mr. Firth. The meeting took place at Orahiri on the 1st June. A prayer was offered by Te Aroha. A hymn was sung. A special reporter of the 'Southern Cross' newspaper was astonished by the beautiful thoughts of the prayer and the deep reverential tones of the voices joining in unison with the chant,—“Matua, pai marire, rire, rire; Tamaiti, pai marire, rire, rire; Wairūa, pai marire, rire rire!”—“Father, good and gracious, grace, grace; Son, good and gracious, grace, grace; Spirit, good and gracious, grace, grace.” Long conferences ensued. Whitiora te Kumete, who in battle at Rangiriri won admiration from friends and foes, now obtained the same tribute for his manly aspect and oratory. Tamati Ngapora, or Manuhiri, was the central figure, in whom the reporter found grace, ease, and dignity. Long colloquy took place between the chief and the interpreter Davis. When the former said, “While we talk of peace there is fighting,” Davis replied, “Why don't you stop the fighting?” The chief answered: “Why don't you stop it?” “Has all 'mana' (power, authority) been taken from you?” asked the interpreter. “Has all 'mana' been taken away from you, that you do not put a stop to this fighting?” retorted the chief. The first day's conference was resultless. Sorrow mingled with proud resolution pervaded the speech of the chiefs on the second day. “The land is like a stricken bird whose wings are quivering on account of the pain. . . . To what do you allude when you wish us to speak out? Is it in relation to the streams of thought that day by day and from season to season we each derive separately from the Almighty? You have one stream and I have another, and we each ought to work out the thoughts that present themselves to our minds. . . . The times have not yet come for terms of peace. The times are in God's hands. If this be the abomination of desolation spoken of by Daniel the prophet which is to come to pass in the last



days, what can be done to prevent it?" Mr. Davis said the business of the day was to do duty towards fellow-men, and not to refer to Daniel's predictions about other events. After long silence Te Aroha said: "Jehovah of Hosts lives, and He has said that peace shall never be made. There was a covenant with Noah, and the sign of it was the rainbow. There was another dispensation and another covenant; and now, in these days, Jehovah of Hosts has said there shall be no peace for ever on the earth." Mr. Davis replied that Jehovah of Hosts lived, but desired that men should live like brethren. Te Aroha replied: "Turn round and work among your own people. I will work on this side, and as the days go on, the Almighty will be a Judge between us." Questioned as to terms, Te Aroha said that restoration of the Waikato as far as the post erected before the war at Maungatawhiri was demanded. "Our word has gone forth that the striking of man by man should cease. Now, then, do your part. Remove your armies, for my messengers cannot pass through." Mr. Firth, interpreted by Mr. Preece, addressed Tamati Ngapora and the other chiefs. He spoke of the Queen's son;—of the deceased king-maker. He did not represent the Government, but believed that the king would be assented to in a certain district. On this Tamati Ngapora remarked: "It is a matter of indifference to us whether you consent or not. We shall have him." Mr. Firth spoke of murders. The chief said: "What you call murders are not murders according to our custom, because when war begins, the rule is to kill all you see." Whitiora said: "If I were to kill you now that you are here on a friendly visit, that would be a murder. If I inveigle you under friendly guise, and then kill you, that is foul murder. And here are your foul murders. General Cameron told us to send our women and children to Rangiaohia where they should remain unmolested; but he went away from Paterangi, with his soldiers, after them, and the women and children were killed and some of them burnt in the houses. You did not go to fight the men; you left them and went away to fight with the women and little children. These things you conceal because they are faults on your side, but anything on our side you set down against us, and open your mouths wide to proclaim it. That

deed of yours was a foul murder, and yet there is nobody to proclaim it."

Mr. Firth continued his oration, and asked for a letter stating the wishes of the chiefs. Ngapora replied: "You are our letter. We Maoris consider it sufficient to speak face to face." There was more discussion, in the course of which Mr. Firth blamed Rewi for sending men to fight at Taranaki. "Hold there," interrupted Ngapora; "did not the Europeans go from Auckland?" Mr. Firth replied evasively. "Answer my question direct. Did not the Europeans go from Auckland to Waitara?" retorted the chief. He was told that soldiers did. "How about your Governor,—did not he go?" Mr. Preece said a Governor was not a colonist. Governors were moveable like soldiers. The colonists had not gone to Waitara. "*Te Aroha*: By whose authority did the soldiers go to Taranaki? *Preece*: By that of the Governor, the servant of the Queen, not by the Pakehas of the soil. *Ngapora*: Cease this: you are holding a Court. It would take days to decide. *Preece*: It would take months. *A chief*: Years." There was a long pause. Mr. Firth could only report that he believed the Maoris would be content with the acknowledgment of their king, the stoppage of fighting, a general amnesty, and the restoration of all Waikato. They had not accepted his suggestion that the recognition of the king should be limited to a certain district, and that only portions of Waikato land should be restored to the homeless. Ngapora laid stress upon a letter he had received from Sir William Martin recognizing that all Waikato ought to be restored. Sir William Martin subsequently published his letter in Maori and in English. It then appeared that his proposals were similar to those of Mr. Firth, coupled with earnest and eloquent appeals to Tawhiao and Ngapora to repress "the senseless men, the shedders of blood." Hearing that they were doing so had caused a gleam of light to arise in his heart. Contemporaneously with this fruitless meeting, Te Wheoro strove to bring about at Ngaruawahia a meeting between Tawhiao and the Duke of Edinburgh. On the 1st June, 400 natives were gathered there. They waited ten days only to find that Tawhiao would not meet the Governor or the son of the Queen. He sent fifty men with a letter to Te Wheoro declaring that they went to see the Prince. "If they

do not, they can come back. That is all." Fortunately the Prince was too wise to go to Ngaruawahia to encounter disappointment. The Government having failed to bring about the meeting threw blame on the officiousness of Mr. Firth. Towards Te Wheoro there was sympathy even among the king's friends. It was allowed that he had not been justly dealt with, and the final reconciliation of the king was attributed by some to the working of this feeling on the minds of the king's counsellors. Whatever expectations Mr. Stafford had founded on the "mana" of the Queen's son were disappointed.

The General Assembly met on the 1st June. The Prince departed. The field was open for attack upon the Government. Mr. Creighton moved vainly for returns concerning the rewards offered for capture of Titokowaru, Te Kooti, and others. Fox and McLean carried motions for returns. There was no contest on the Address. A proposition for a loan was accepted, and the Governor's hope that in asking for an Imperial guarantee "the last prayer" of the colony to the mother-country might not be rejected was echoed by the House of Representatives, while the Council qualified the application by calling it an "appeal." A motion for Supply was postponed for a week, and, before the week had elapsed, Fox had moved and McLean had seconded, a brief motion: "That this House has no confidence in the present Government." Mr. Stafford fought hard for the post he had wrested from Mr. Weld. Adjournment succeeded adjournment. On the 23rd June, Mr. Carleton vainly strove to ward off the blow by moving as an amendment, that "proposals for meeting existing difficulties ought to have preceded any question of personal confidence." On the 24th June, by 40 votes against 29, Mr. Fox's motion was carried. Mete Kingi Paetahi and Tareha voted with Mr. McLean for the expulsion of the man who had brought so much misery on their country in former days. Mr. Fox became Colonial Secretary and Premier; Mr. Vogel combined the office of Treasurer with sundry others; Mr. Donald McLean became Native Minister and Minister for Colonial Defence; Mr. Dillon Bell, a member of the first responsible Ministry in 1856; and Dr. Featherston, a colleague of Mr. Fox in 1861, cast in their fortunes with Mr. Fox, as they doubtless supposed, but with Mr. Vogel as it proved in fact. Great hopes

were founded on McLean's accession to power. He addressed the chiefs as he would address the heads of ancient Highland clans whom, he said, they resembled. He relied on personal influence and his own word rather than on law. This, which was a trouble to his colleagues, commended him to the Maoris. It also fostered his own vanity, and caused him to disparage arrangements not made by himself. Nevertheless, such was his reputation, that from the time of his joining the Ministry in 1869 until his death at the end of 1876 he was in office as Native Minister with the exception of one brief month in 1872. Ministries were formed and transformed under Messrs. Fox, Waterhouse, Fox, Vogel, Pollen, Vogel, Atkinson, but amongst them ever was Donald McLean. He had ample funds at his disposal; and, squatted on the ground in a Maori whāre, smoking the pipe of peace with his host<sup>1</sup> and conversing in his language, he was the dispenser of sums at which the lords of the clan of his ancestors would have gazed in astonishment, and of which he did not keep the accurate records usually required by the Treasury.

Mr. Cracroft Wilson, a supporter of Mr. Stafford, on the 30th June, before the new Ministry was fully constituted, failed to carry resolutions praying for troops. The resolutions did not emerge from Committee. On the 7th July, Mr. Fox obtained leave to go into Committee on a resolution declaring that the existing expenditure on colonial forces was altogether beyond the resources of the colony, and could not be maintained consistently with the public credit. On the 13th, Mr. Stafford moved an amendment, to the effect that more information as to Ways and Means was necessary to justify the House in adopting Mr. Fox's resolution, but by 37 votes against 31 Mr. Fox's motion was finally adopted. It had little significance except as connected with a motion on the same day by Mr. Donald McLean to send Commissioners to England empowered to ask for two regiments, and to pledge the colony to pay £40 per man at the end of each year. On the 22nd July, both Houses carried resolutions praying the Governor to move General Chute to delay the departure of the 18th Regiment, "pending further reference to the Imperial Government." On the 3rd August, Mr. McLean substituted other resolutions in Committee. One

<sup>1</sup> In his youth McLean was employed as goatherd by a Maori chief.

declared that the threatening aspect of affairs in the north and financial exhaustion made it impossible for the colony to supply garrisons and to resist rebels. Others urged that a final appeal should be made to the mother-country for troops,—1500 men engaged for five years, and to be maintained by the colony as might be arranged,—that the colony should provide an efficient constabulary force; that Commissioners should at once be sent to England to negotiate with the Imperial Government, having full power to determine whether to “employ Ghoorkas or any other body of disciplined men.” Mr. Stafford, when in office, had endeavoured to cause the retention of Imperial troops without condescending to ask for them. On the 8th August, 1868, he ostentatiously remarked that since October, 1865, he had declined to advise the employment of British troops in the field, or to accede to formal conditions on which the regiment in New Zealand should be retained. Sir George Bowen in an official minute, 12th December, 1868, warned him that it was “possible that the Home Government may have taken Ministers at their word, and that General Chute may have received instructions accordingly.” Mr. Stafford nevertheless declared that the Home Government broke faith by not supplying troops on the terms contained in Earl Carnarvon’s despatch of 1866; viz. that £50,000 should be annually expended on native purposes. These terms (though they had been promptly rejected by Mr. Stafford) he contended were “virtually fulfilled” by the colony, and therefore, in October, 1868, with the help of Mr. Fox, he carried a resolution asking the Governor to delay the departure of the 18th Regiment. Earl Granville had pointed out the inaccuracy of Mr. Stafford’s contention, and that gentleman was constrained to plead that, though Earl Carnarvon’s offer had never been formally accepted, it had been complied with in practice, and that the resolution of October, 1868, was a formal acceptance of the terms offered in 1866. Pressure of events made Mr. Stafford change his policy but not confess that he had done so. He resented Earl Granville’s exposition of the case, and professed, in May, 1869, to adhere to his own. He was now out of office, face to face with the question. He dared not to adhere to his self-reliant theories openly, but strove to qualify Mr. McLean’s proposal by an amendment limiting the

colonial expenditure to the cost of one regiment stationed at posts appointed by the Governor, "with a view to moral effect." After repeated adjournments, Mr. McLean's first proposition was carried by 31 votes against 27, on the 6th August, and at a later date ancillary resolutions were carried. The resolutions finally reported to the House were: 1. That in the very threatening aspect of native affairs, the maintenance of a highly-disciplined and well-organized force has become a matter of imperative necessity. 2. That the presence in the North Island of a small body of Imperial troops would greatly assist the colony in its efforts to form and discipline such a force, and would tend to check the spread of disaffection amongst the native race. 3. That, in conformity with the above, this House is of opinion that Commissioners should be sent to England to treat with the Imperial Government for securing the services for the colony of an Imperial force not exceeding 1000 men, for a period not exceeding five years; and this House engages to make provision, in respect of the cost of such force, upon such terms as may be agreed to by the Commissioners on behalf of the colony. 4. That the Commissioners be instructed to lay before the Imperial Government the grounds upon which the colony feels justified in asking for assistance, and to ascertain to what extent, aid, either in men or otherwise, will be afforded. 5. That the Commissioners be also instructed to confer with the Imperial Government and military authorities as to the description of force, whether Ghorka Regiments or other body of disciplined men, in addition to the 1000 Imperial troops already authorized, it will be most advantageous for the colony to employ for its defence, it being clearly understood that such force will be subject to the control of the Colonial Government; and that the Commissioners be empowered to conclude arrangements for the organization and employment of such force for a period not exceeding three years, provided that the whole cost of it to the colony does not exceed the sum of £70,000 per annum.

To such prostration had the self-reliant doctrine been reduced, that all the resolutions except the last were accepted without a division. Mr. Stafford moved the rejection of the fifth, and the majority against him was only 32 against 29. Mete Kingi and Tareha, who had supported the other propositions, did not vote

upon the fifth. The Council, when asked to concur with the resolutions, struck out the words, "whether Ghoorka Regiments or other body of disciplined men." Sir G. Bowen wrote that the introduction of Sikhs or Ghoorkas would have alienated the loyal Maoris. He forwarded a message to Ceylon, whence it was telegraphed to the Secretary of State. It told of the resolutions praying that the 18th Regiment might be detained, and added that an Act had been passed binding the colony to pay the sum demanded by the Imperial Government if the 18th Regiment should be detained. With his explanatory despatch he sent a memorandum, in which Mr. Fox reasoned in a tone very different from that of his book on the war published in 1866. The arrival of Te Kooti at the Maori king's headquarters vibrated terribly in his breast. "It may truly be said that a general rising of the natives and a special attack on the settled districts of Auckland, is trembling in the balance." The Ministry thought the removal of the troops would precipitate a conflict. They were grateful to Sir G. Bowen for his previous efforts but asked for more. They could not believe that orders, given months previously at the other side of the globe, would be carried into effect when a large sacrifice of human life was imminent. They could not but believe that General Chute had some discretion in the matter. The Governor was entreated to forward to the General a copy of the piteous memorandum. Sir G. Bowen decided "that it would be improper on his part to obstruct the action of Parliamentary Government by declining to forward" to the General and to the Commodore the appeal of the Assembly. General Chute could not but pity, and pitying, could not but use what power he had to allay Mr. Fox's alarm. He informed the Governor that he had "taken the responsibility of detaining the 18th Regiment in New Zealand pending further instructions from the Imperial Government." Both Houses, on the 11th August, unanimously passed votes of thanks to the General "for the great promptitude with which he had acted in a critical emergency." He deserved them. The Maori king also deserved thanks which he did not receive.

Te Kooti made no impression at Tokangamutu. Tawhiao would not admit him to his presence. The marauder affected



to assume authority. At Lake Taupo he had made chiefs surrender to him their green-stone heirlooms. He failed to induce the king's adherents to humour him in the same manner. It was said that Te Paea, Tawhiao's able sister, threatened that if the king's court should countenance Te Kooti she would shake the dust off her feet, and seek a husband among the Pakehas. The outlaw persuaded Rewi to accompany him in excursions, but Ngapora would not listen to him. In August he was so unwelcome a guest that his supplies were stopped. Tawhiao would not permit him to proceed to the west coast. The roads thitherwards were guarded against him, and he was compelled to return by the road by which he came. Tawhiao's armed body-guard was ever on the alert while Te Kooti's visit lasted. Before Te Kooti left the district he went to the house of Mr. Hettit at Otorohanga, where his followers took what they chose. Te Kooti offered as payment a stolen bill of exchange on the Bank of New Zealand. He did not violate the "mana" of the king by violence to Mr. Hettit's person. He took occasion to say that when he returned from the Chatham Islands he intended to interfere with no one, and that Major Biggs was the cause of what he called "the war." But the court of the Maori king was secluded. The pale (aukati) made it difficult to procure trustworthy information. Rumour was busy. Evil report flitted over events like the will of the wisp over a marsh. Long days elapsed before the colonists knew that Tawhiao had discouraged Te Kooti. A motion by Mr. Tancred on internal defence proposed that settlers should be withdrawn from isolated situations and allowed to select homesteads nearer to protecting force, a moveable corps being held available at every moment. Though withdrawn (27th July) after repeated discussion, the motion shows the condition of the public mind. On the 22nd July, a friend of the Government moved that a Commission, consisting of two Judges of the Native Lands Court, and two other persons not members of the House of Representatives, should be appointed to inquire into the unsatisfactory relations between the European and Maori races. After adjournment, this motion also came to an untimely end. Mr. Stafford, with a majority of 33 to 22, shelved it by moving the previous question on the 27th July, although Mr. Fox and

Mr. Donald McLean were in the minority as well as Mete Kingi Paetahi.

At attempt to deal with constitutional questions seriously occupied the House. Mr. Stevens, a ministerial supporter, strove "in pursuance of the financial resolution" of the previous session to lay down principles that there should be no taxation except what might be required for general charges of the Government, and that Provincial Government should cease to exist,—with sundry other propositions. In Committee another member who had assisted to place Mr. Fox in office carried an amendment that it was inopportune to decide constitutional questions at such a time; that the new Parliament must meet them; and that the grave difficulties of the colony permitted no reduction of taxation. Sir George Grey had commenced, and Sir George Bowen did not cease to recommend, the old Roman policy of making roads as the surest method of subduing the country.<sup>1</sup> The Maoris understood its significance. The Ministry accepted it as essential to the safety of settlements, and proposed a loan to the North Island, guarding against its incidence upon the general revenue of New Zealand by a proviso that the liability of the North Island should be irreversible except by a vote of three-fourths of the House of Representatives. Mr. Vogel thought this precaution necessary "against the reversal, by a North Island majority, of the condition of the loan." The proposition bore no fruit in 1869. Mr. Vogel spoke strongly in favour of the provincial system. "Can we doubt," he said, "that the colony owes to the provinces that they have saved for useful purposes some portion of the enormous revenues raised within them?—how powerful for colonizing purposes the provincial organizations have proved! . . . It is well to think over this history before deciding to do anything to destroy institutions, the past usefulness of which it is impossible to question." . . . We will not submit to the House proposals which would organic-

<sup>1</sup> Earl Grey in his 'Colonial Policy,' published in London in 1853, wrote: "There were no measures of improvement which both on civil and military grounds the Governor considered so important as the construction of roads. It is a remarkable circumstance that at the very time when Sir George Grey was writing from New Zealand to represent the absolute necessity of roads, with a view to military security, the great Duke of Wellington was in this country expressing precisely the same opinion."

ally change the relations between the colony and the provinces." Voluminous financial tables accompanied the Treasurer's speech; but he proposed no startling changes. His estimates of ways and means left a small balance in the Treasury such as had been bequeathed by his predecessor. Mr. Fitzherbert had succeeded in converting under the Consolidated Loan Act of 1867 about two millions and three quarters sterling of existing colonial and provincial bonds, and Mr. Vogel stepped into the vantage-ground thus obtained. He declared, however, that as to the reciprocal waiving of claims by the Home and Colonial Governments he was still dissatisfied. "Circumstances give us a wide pecuniary claim on the Imperial Government." As to the war he took the view of him "who carried the bag." Righteousness was not in his estimates. "It is the purse which fights upon the Maori's side, and well he knows it. What is the result of the last eight years' prolonged rebellion? A certain loss of life on both sides; some loss of land on one side; an enormous loss of money and property on the other. The land remains to be disposed of, and, as the rebels mistakenly hope, to be won back. But the money is gone—it cannot be recovered. You cannot get money from the Maori, for he has none; you cannot commit him to an enormous debt, for there is no one from whom he could borrow were he even disposed to do so. Every fresh £100,000 he adds to our debt is a fresh triumph gained by him which it is impossible to win back. Are we so blind as to fail to see that the financial ruin of the colony would be victory to the rebels? We ask the House to arrest the steady progress the rebels have hitherto made in fixing on the colony overwhelming burdens. We have land which may be worth a quarter of a million to show against three millions and a half of debt, besides claims for an unknown amount for compensation for destruction of property." The same truth was forced upon Mr. Vogel and the Maori. The former groaned: "Thou stick'st a dagger in me; I shall never see my money again." The latter had long before bitterly sighed in a petition to England: "The blood of the Pakeha is shed in his money, but as to the blood of the Maori it is shed on his own land." Mr. Vogel was responsible for no former war, but he could not speak truly of a prolonged rebellion. Sir George Grey left and Sir George Bowen found New Zealand in peace.

The deeds of Titokowaru and Te Kooti were the consequence of acts of the Government. If Mr. Vogel's speech was reported to the latter he must have smiled grimly at the way in which the iron was entering into the soul of the Pakeha Treasurer. Without regular ammunition, and known to have used the heads of lucifer matches instead of percussion-caps, the wandering savage had been able to put an insufferable load on his well-supplied foes.

Amongst the returns compiled for the financial statement was an interesting summary showing that in eleven years revenues of £6,877,000 had been collected, of which nearly £3,400,000 had been disbursed for colonial purposes, about £1,400,000 for services within and for the provinces, and nearly £2,200,000 had been handed to the provinces for appropriation. Such had been the provincial leanings in Governments that more than £100,000 in excess of their dues swelled the last item.

The labours of the session found expression in 76 Acts. One empowered the New Zealand Commissioners to treat with the Imperial Government for a force to put down rebellion, and to raise another force for colonial service. The Commissioners appointed were Mr. Dillon Bell and Dr. Featherston. Sir George Bowen made their appointment known by telegram from Ceylon, hoping the Imperial Government would decide nothing without hearing the Commissioners. A New Zealand Cross Endowment Act enabled the Governor to grant incomes from certain reserved lands to holders of the New Zealand Cross. The Stafford Ministry had, on the recommendation of Colonel Whitmore, in March, 1869, obtained the assent of the Governor in Council to an order instituting the "decorative distinction of a silver cross." It had been conferred on four Europeans and one Maori when Sir George Bowen applied for sanction of his Order in Council. Earl Granville answered in October, 1869, that "under the very exceptional circumstances of the colony" he had recommended, and Her Majesty had been pleased to sanction the Order, from its original date, by her direct authority. To avoid creating a precedent the despatch emphatically pronounced that to no Governor was delegated the authority inherent in the Queen as the fountain of honour.

A languid consciousness of the valour of Rangihwinui had at

this time begun to pervade Earl Granville's mind. On the 22nd June, he informed the Lords of the Treasury that "strong representations had been made by the present and late Governors of New Zealand of the services rendered by a friendly chief of high rank known as Te Kepa or Major Kemp." A pension and a sword, or a sword and badge the gift of Her Majesty, had been suggested as an appropriate distinction. Earl Granville thought the pension was a matter for the Colonial Government to consider, but approved of the sword, and of the badge. The Lords of the Treasury concurred. Earl Granville announced (14th July) that a sword would be sent, and would "probably be followed by a silver badge." The secret was not to be mentioned to Rangihwinui "until the sword arrives." Other chiefs would be similarly honoured on the Governor's recommendation. Sir George Bowen with the advice of Mr. McLean recommended Ropata Wahawaha, the hero of Ngatapa, and four others. The task which the Earl had now undertaken suited so well his noble mind that he ruminated much upon it. He revised his first impressions, and after several months wrote as follows: "In my despatch of the 14th July, I informed you that the swords would be followed by badges. On consideration, however, it has been determined that the gift of a sword will be a sufficient mark of Her Majesty's favour." Rangihwinui's sword, sent in September, was kept back till other swords arrived. On the 20th June, 1870, he, Ropata, and Mokena Kohere, received their swords in presence of Ministers, members of Parliament, and other notables. The Governor made an oration on the exploits of each chief; Rangihwinui having recently marched across the island from Wanganui to Opotiki. The inscription was—"Given by Queen Victoria to —— for his unfailing loyalty and valour. May you long wear it in health and honour." Rangihwinui's speech has been thus translated. "Victoria by the grace of God, long may you live. May your children, Prince Albert, the Duke of Edinburgh, and the princesses live long. I thank Victoria, Queen of the world, for casting her eyes hitherwards upon me, upon this dark-complexioned, this foolish, unhouselled race. I thank the Queen heartily for sending me this proof of her love across the billows of the great sea. Here it lies;—the sickle with which evil is to be cut down. Your ancestors, the kings, and yourself

have been protected by God. You stand on the most sacred place of your ancestors—the kings of great fame of old. And now you have caused the sun to shine over this obscure island. It is very good that the elder and younger brother should live together as they did in the ark. After that, the elder and the younger brother were divided. Now, in this year, for the first time they are again united. I and my tribes are under the authority of the Queen. This was Hori Kingi's last word, to me, to Mete Kingi, and to all his tribe: 'When I am gone, remain quiet under the authority of the Queen: be loyal to her.' And to me especially he said: 'Be strong in putting down evil that peace may be secure.' Well! now that your pledge of affection lies before me, I trust that peace will always be with you, O Queen Victoria, and with your children. May peace be with the Government of New Zealand. Let love be in your hearts. Do not keep all the good word to yourselves—let us share it." Mokena Kohere said: "The first proof of the Queen's affection for us was in sending missionaries; the second was the law; and the third is this. I thank you, Queen Victoria,—I greet you." Ropata Wahawaha said: "I have nothing to add to the words of Rangihwinui and Kohere. I thank you heartily, O Queen Victoria; and you, O Governor Bowen."

Some of the chiefs who frequented society at Wellington were so ignorant of European manners that they were known to seize food in their hands. They had nevertheless a nobility of mind which they may be allowed to show in their own words, and they could trace their unquestioned rank through many generations. Recorded on the genealogical tree, twenty generations testified to the rank of Rangihwinui's ancestor in the days when the Maoris first sailed to New Zealand. All who had seen him in the field admired his strategy and courage. The Duke of Edinburgh remarked his noble bearing in society. Sir George Bowen wrote: "He is not darker than many Spaniards, and if he were in a London drawing-room people would say of him, 'Who is that distinguished foreigner?' His manners, like those of most of the great hereditary chiefs, are excellent." To him, he declared, was due more than to any man or men the obtaining of peace for New Zealand. On his visit to Wellington when he received the sword from the Queen, he with Ropata Wahawaha,

Mokena Kohere, and eleven other chiefs, was entertained at the Governor's house. The last of the English troops had then been removed from New Zealand, and men's minds were dark with apprehension of what might come upon the land if the Maoris should combine against the Pakeha. There were intrigues among men in power to transfer the allegiance of the colony to the United States of America. Rangihwinui told the assembled company: "I and the other chiefs would feel it unworthy of us to take advantage of the weakness of the English through the removal of the troops. We will never do that. Kahore, Kahore, Kahore" (No, no, no). He waved his hand as he spoke, and appealed to his brother chiefs, who responded, in deep-toned chorus, "Kahore," to the deep and powerful voice of the speaker.

Turning from this digression to the session of 1869, it deserves to be mentioned that not only in the press but in Parliament there were murmurs about casting off allegiance to the Queen and seeking the aid of the United States in crushing the Maoris. Sir G. Bowen wrote to the late Chief Justice, Sir W. Martin: "If what has been called the last prayer of New Zealand is rejected (the prayer for retention of troops at the cost of the colony), I fear the colonists will transfer their allegiance to the United States." In the Acts of the Assembly in 1869, there is little which demands notice. The Military Contribution Act was short and unambiguous. In the event of detention of the 18th Regiment it applied from the Consolidated Revenue such sum as any of Her Majesty's Secretaries of State might certify to be required towards the support of the regiment. It was rapidly passed through both Houses while the attitude of the Maori king was an object of anxiety. A few days afterwards a Disturbed Districts Bill was passed by the Representatives. It was worthy of introduction by Fox, one of the promoters of the Coercive Acts of 1863. It provided for summary trial by courts-martial composed of officers of the colonial forces, and for superseding the ordinary tribunals. In the Council, on the motion of Mr. Mantell, it was referred to a Select Committee, which took evidence from Judge Johnston, of the Supreme Court. In the midst of general panic it is consoling to find the dispenser of justice unshaken. He thought it unwise to abandon the time-honoured principles of trial by established Courts. He



suggested alterations. He quoted against the introduction of "the so-called drum-head court-martial" the weighty words of Chief Justice Cockburn (in *Regina v. Nelson and Brand*): "It is said that as the necessity of repressing rebellion is what justifies the exercise of martial law, and as to this end the example of immediate punishment is essential, the exhibition of martial law in its most summary and terrible form is indispensable. If by this it is meant that examples are to be made without taking the necessary means to discriminate between guilt and innocence; and that, in order to inspire terror, men are to be sacrificed whose guilt remains uncertain, I can only say I hope that no Court of Justice will ever entertain so fearful and odious a doctrine. There are considerations more important even than the shortening the temporary duration of an insurrection. Among them are the eternal and immutable principles of justice; principles which can never be violated without lasting detriment to the true interests and well-being of a civilized community."

The Council amended the Bill. The Lower House agreed to the amendments, and the Governor gave the Royal Assent. The Act was to be in force to the end of the next ensuing session of the Assembly and no longer. Earl Granville did not recommend its disallowance, but pointed out clauses which were too stringent,—"in case it should be proposed to re-enact the law."

In a luminous charge to the grand jury at Wellington, Judge Johnston (1st September, 1869) explained the purport of the law, the crimes it was intended to restrain, and the duties of the grand jury. The wild demands of the market-place, echoed in the printing-shop, and reverberated by the Representative House, were abashed by the voice of justice. To the grand jury the Judge expounded the general law of high treason, the New Zealand treason felony law of 1868, the recent enactment, and the incumbent duty of the jury to be reasonably satisfied that the persons brought before them aimed by force to coerce the Government, to change the law, or to subvert the sovereignty of the Queen, before they could find indictments for treason felony. As it stood, the Disturbed Districts Act might content the most exacting enemy of the Maori. Any officer of the forces might arrest on suspicion, and a person arrested might, on failing to satisfy a resident magistrate,

or any two justices of the peace that he had been of good behaviour for twelve months, be imprisoned with or without hard labour for eighteen months. How difficult it might be for a Maori to prove his past good behaviour to those who arrested him on suspicion can be imagined. Yet this was the law after the Council had pruned the Bill. Amongst the Acts of the session was one which made it capital felony to sell arms to, or for the use of, rebels.<sup>1</sup> A question of privilege arose early in the session. On an amendment about war expenditure, lost (15th July) by 31 votes against 37, Major Brown, of the Taranaki militia, voted in the minority against Mr. Fox. Mr. Fox resented Major Brown's conduct. A Select Committee inquired whether Mr. Fox's letter was a breach of privilege, and in the House a bare majority (29 to 27) resolved that it was not. Major Brown was in the minority; as was Mr. Stafford, whose conduct towards Mr. Crawford was like that which he condemned in Fox. The condition of the Thames gold-field was seriously considered. In 1852 the Government first made agreements under which gold was searched for on Maori land, and in subsequent years McLean and others made bargains with chiefs and averted trouble. Proclamations defined the area within which mining might be carried on. On the 6th July, Fox and Vogel introduced a Bill "to remove doubts as to the validity of certain proclamations relating to a certain district known as the Thames gold-fields, and for other purposes." It was pointed out that the Bill would injure the Maori owners, and make valid regulations which were contrary to "agreements" entered into with the chiefs. It would enable the Government, maugre any agreement previously made, to prevent the natives from selling land within the area of a proclaimed gold-field. Thirteen native owners feared that a proclamation by the Superintendent at Auckland would cause them to receive less money under a leasing system than had accrued to them under the miner's right payments. The Committee on Public Petitions failed to see that the petitioners' fears were well grounded. They submitted figures to prove that in certain contingencies the gains of the chief would be increased by the new regulations. They

<sup>1</sup> 32 & 33 Vict., No. 57, section 33. "... shall be guilty of a capital felony, and being convicted thereof shall suffer death as a felon."

thought that if the substance of their report were "honestly and fairly explained to the petitioners their apprehensions might be removed." It was duly translated into the Maori language. Mr. Robert Graham petitioned for protection of his rights acquired from the natives. The Committee left him to any legal remedy available. The Bill was read a second time on the 13th July; committed, and recommitted on the 14th, and on Mr. Vogel's assurance that it was of an urgent nature was passed through all its stages on the same day. But the Council declined to pass with equal rapidity a measure which might be fraught with evil. Seventeen chiefs petitioned that their interests might be protected in accordance with agreements entered into with the Governor. Mr. Robert Graham asked to be heard at the bar of the Council against the Bill. On the 21st July counsel for and against the Bill were heard. Numerous amendments were made in the Bill. Its title was altered. It was made a Bill to remove doubts as to the validity of certain proclamations *and agreements*,<sup>1</sup> &c., and the House of Representatives accepted the amendments. It was a time when the Colonial Government could ill afford to furnish fresh cause of quarrel. One of the points of the Maori king's message to the northern chiefs by Rapihana, communicated by that chief to Sir G. Bowen, related to "digging for gold." Te Kooti was at the court of the Maori king; there were many Hau Haus in the Thames district; and no one could tell to what height the flame of rebellion might rise if fed by a fresh act of injustice. There was a Bill to amend the Native Lands Act before the Houses, which involved the same point. Among five new members called to the Council in the beginning of the session was Francis Dart Fenton, Chief Judge of the Native Land Court. He introduced a Bill to amend the Native Lands Act, and the Council passed it without amendment. Referred to a Select Committee in the Lower House, it was closely examined. Mr. Fenton was heard as a witness; and descanted on the delicate nature of his office. "As Chief Judge of the Court I have not only to decide principles of law on equitable grounds; if you can understand the expression, I am greatly concerned with the political state of the country, and I cannot separate the two

<sup>1</sup> The agreements were all made in the Governor's name.

functions. Although deciding legal questions, I am in many cases deciding peace and war. The first thing necessary is to keep faith with the natives, and to do justice towards them ; and also to prevent them from breaking faith." Alterations were made and conference ensued between the Houses, but the Bill became law. Mr. Fenton was not so fortunate with regard to the Native Reserves Bill adopted by the Council. By 21 votes against 16 it was resolved not to allow it to go into Committee in the Lower House. The episode of these Bills is useful in bringing before the eye of the student the condition of the country at the time. Terror in the street and farm ; a savage fury in the press, only exceeded by the atrocities of the Hau Haus ; piteous cries from Ministers to the General, and to England ; diplomatic suggestions from the Governor about the forces of the Maori king—all these things tell their tale significantly. But the spirit of the Judicial Bench, as witnessed by Judge Johnston and Mr. Fenton, declares that still there was, happily, in the community a sea-mark high above the turbid foam, a beacon to the eyes of all who clung to the eternal principles of justice.

The daily needs of a colony found expression in those numerous Acts which come and go like colours on leaves in autumn. The spectacle of a noble but savage family battling for its native soil gives absorbing interest to the 50 years which followed the preaching of the Gospel by Marsden on the shore of the Bay of Islands. To rescue the deeds of the Maori from oblivion, and present them in their true light, is the duty of the historian. War, which has been called the staple of the story of most countries, was specially so in New Zealand, whose chiefs did not shrink from battling with superior numbers. Nevertheless, the political condition of the colony must be scanned. The Council was still careful about its standing. On the motion of Mr. Menzies, who had been a member since the year 1858, a Committee was appointed "to inquire into certain privileges" of the Council. The Committee examined : 1st. The powers held by the New Zealand Council. 2nd. The powers held by law, rule or usage, by the Houses of Lords and Commons. 3rd. Legislative powers in British colonies, and in the United States of America. They reported their labours without making any other recommendation than that a similar Committee

should be reappointed in the following session. Their quotations from Judge Story's 'Commentaries on the United States Constitution' implied that the Committee were not friendly to the extreme claims put forward by some writers.<sup>1</sup> They remarked that the assumption of power to tack measures to a Money Bill was "an unconstitutional encroachment," and that, to stay it, the Lords, to give permanent effect to their own rights, made it a Standing Order to reject upon sight all Bills that are tacked to Money Bills, and thus guarded against the abuse of power by the Commons.

It may seem strange that up to this date there had been no step taken to place Maoris in the Council. No Ministers had advised the Governor to give that voice in the Council which the Maori Representation Act had given in the House of Representatives. Before the prorogation of the Assembly, a protest made in London against a despatch from Earl Granville (21st March, 1869) was published in the colony. Forgetful that he, as President of the Council in 1859 and 1860, was jointly responsible with the Duke of Newcastle for unjustly plunging into the Waitara war, the Earl in writing about Mr. Fitzherbert's mission in terms which seemed rude from a polished pen, threw the whole brunt of responsibility upon the colonists. To gratify their desires, to satisfy the Assembly and his advisers, Governor Browne had taken a step "blamed by some as inconsistent with those duties to the natives which were in some sense Imperial," although the Queen was bound by treaty to respect the territorial rights of the natives. The result was war in the interests of the colonists (but principally carried on at Imperial cost), and confiscation of lands which could not otherwise be obtained unless by friendly arrangement. The Earl denied that the Imperial Government had transferred any "obligation to the colony whatever, except that imposed on all of us by natural justice, not to appropriate the property of others," and asserted that the mother-country had paid a high price for the territories

<sup>1</sup> If any black-letter student should collect cases to prove that the House of Lords has exercised larger powers than is generally believed, he would produce a work showing an amusing contrast with those which have been compiled to exhibit the powers of the House of Commons. The judicial Hallam amongst Whig writers finds few followers.

recently and unwisely appropriated. The publication of the despatch in England induced Sir George Grey (the late Governor), Sir Charles Clifford the late Speaker, Mr. Sewell, Mr. Atkinson, and Mr. Campbell, to protest publicly against it as "fraught with danger to the colony." It would be interpreted to natives concurrently with the removal of troops; it would be inferred that the Queen was displeased with the colonists, and that massacres of women, children, and missionaries were sanctioned by Imperial authority as mere acts of reprisal. They declared with sorrow that the policy pursued towards the colony was calculated to alienate the affections of loyal subjects, and "to drive the colony out of the empire." At the close of the session Sir George Bowen informed Earl Granville of the comments made upon the protest in the colony. He sent "one of the most moderate,"—a leading article, which called the Earl's despatch "studied misrepresentations" . . . a fitting climax "to a long course of mal-administration," and only intelligible if the policy of the Imperial Government was to reduce the empire and drive away the colonies. The tone was declared to be even more offensive than the matter, and suggested the idea that the writer was not unwilling to irritate the colonists. If revolutionary rancour should be excited against England, "the historian would have no difficulty in tracing its rise and progress." More measured comments appeared in Australian newspapers; but if those which were sent to the Earl from New Zealand were "the most moderate," he might flatter himself on success, if his object had indeed been to irritate. Sir G. Bowen deplored the protest and its consequences, but confessed that it reflected not unfaithfully the general feeling in New Zealand—feeling which would probably be universal, if "the last prayer of the colony" for garrisons of the line should be refused, after legislative guarantee had been given for their cost. With "pain and sorrow" he added that a portion of the New Zealand press had already advocated annexation of the islands to the United States of America, in the hope that the coercion of the Indians of the west of the Mississippi would be imitated by the Washington Cabinet in New Zealand. Earl Granville, finding that his reasonings won no friends, replied that the views of the Government were arrived at after the most serious consideration, "under a grave

sense of responsibility of what were the true interests of the colony as well as of this country." He was at the time solving the knotty point—whether a badge as well as a sword should be given to loyal chiefs,—and a few days afterwards wrote a separate despatch about it.

After the close of the session the Governor made a provincial tour. At Taranaki, the Ngatiruanui chief, Hone Pihama, met him with words of peace. He had availed himself of events which he could not prevent, and had entered into a contract to carry the mail-letters through the country of Titokowaru, who did not molest the carriers. A band of Ngatiporou allies, from the east coast, located at Waihi, were in ill-humour about the lands to be assigned to them. Sir G. Bowen, at Mr. Fox's request, made promises which were deemed sufficient, and they marched forthwith to secure their new home. He rapturously described the kilted warriors, striding proudly forward with mantles waving in the breeze, their arms flashing in the sun, mounted chiefs galloping to and fro, marshalling their clansmen by voice and gesture, and guiding the waggon which bore the sick and wounded. "As I rode up to each group I was saluted by all alike with ringing shouts and chants of welcome. This fertile country is bounded on the south by the Pacific, as blue and sparkling as the Mediterranean; on the north by the dark forests which reach inland from Wanganui to Taranaki, and above which swells the graceful cone-like peak of Mount Egmont, the holy mountain of the Maoris, celebrated in their traditional songs and legends. Mount Egmont, a now extinct volcano, is a more shapely and graceful Mount Etna." Mr. McLean accompanied the Governor in his tour, and was evidently acceptable to the Maoris. In October, the vice-regal party was at Kaipara on the north-west coast, and was warmly welcomed. The careful examination of the Rangitikei-Manawatu land dispute by the Court in 1869 was thought to have had good effect in reconciling the Maoris to the law. The execution in November, 1869, of a prisoner, proved to have joined Te Kooti after the latter returned from the Chatham Islands, on "evidence which would have justified his conviction for participation in several murders," was at the same time a warning to those who might be disposed to join that robber. One prisoner strangled himself

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in gaol, and three of Te Kooti's companions were sentenced to penal servitude for life. One of them, Matene te Karo, averred that he had fought for the Government as well as for Te Kooti, and the Attorney-General admitted the truth of the averment. Seventy-three of Titokowaru's followers were sentenced to terms of penal servitude ranging downwards from seven years. After his flight Titokowaru was quiet, but Te Kooti was stirring. When leaving the Maori king's territories he was accompanied by Rewi, and the informants of the Government thought Rewi insane. Subsequently it was surmised that Rewi abandoned Te Kooti when the latter was foiled in battle. When Te Kooti reached Lake Taupo he entered upon a career of defeat, escape, march and countermarch, sudden attacks upon overwhelming numbers, and retreats so rapid that men were aghast at his disappearance they knew not whither. It is a tale which none but a Hau Hau chronicler could tell, except as to his conflicts with the local forces. His first repulse was at the hands of a Maori chief, Henare Tomoana, who was persuaded by Mr. Ormond, Superintendent at Hawke's Bay, to lead an expedition from Napier. Henare Tomoana was about to start, when one Sutton served him with a writ for a debt, for stores, to the amount of £900. Mr. Ormond, who was Government Agent in the province as well as Superintendent, sent a message to Sutton: "I explained (he swore, 1873) that it was for the public benefit that Henare was going out, and asked him to wait till his return. Sutton said, 'He is going into action, he may be shot to-morrow, and what is to become of my money?'" But Mr. Ormond's interference prevailed. He swore (1873) Henare gave "the writ as a reason why he could not go. I obtained its suspension in some way, and he did go." The creature Sutton swore (1873): "The action proceeded, judgment being entered in default of plea. . . . I did not at once enter up judgment, but waited till about a month after Henare's return from Taupo." Henare Tomoana, unconscious of Sutton's campaign in his rear, marched (August, 1869) to Taupo, and at Turanga, bordering on the east shore of the lake, Te Kooti made a sudden onslaught with numbers superior to those of Tomoana. Nevertheless, sustaining and maintaining a fire, heard far off by friends unable to assist, the brave Tomoana twice beat off his

assailants. He lost but few men, but Te Kooti seized more than a hundred horses, which it had cost Tomoana much to procure.

Rangihwinui had been sent for with his men of Wanganui. Armed constabulary were despatched to Runanga, commanding an entrance from the Uriwera territory to the plains eastward of Lake Taupo. In July, 1869, Mr. Fox had informed Colonel Whitmore that his services in command of troops would be discontinued, and offered him a Commissariat appointment in the Defence Department which was to entail resignation of his seat in Parliament. Colonel Whitmore declined the offer, and the Ministry sent Colonel McDonell to Lake Taupo in September. Mr. J. D. Ormond, as Government Agent at Hawke's Bay, had under nominal control 220 Ngatikahungunu, 50 Arawa, and a few militia and constabulary. Of a total of 550 men 440 were Maoris. The rapidity of Te Kooti's movements made it doubtful whether the settlements in the province could be protected. Mr. Ormond reported his conviction that if Henare Tomoana had not worsted Te Kooti, the rebel standard would have been flocked to by Waikato, Ngatimaniapoto, and Upper Wanganui men; and the centre of the island, with direct connection with the Uriwera mountains, would have armed against the Queen. In the signal service he had rendered, Tomoana had thought himself insufficiently supported by the European forces near him. He expressed surprise, but accepted with good grace the reasons offered by Colonel Herrick for not relieving him. He showed Herrick a sketch of his own position and that of Te Kooti which proved how hardly he had been pressed. It was surmised by others as well as by Mr. Ormond that success would have brought large accessions to Te Kooti's ranks, and that his failure did much to destroy the "mana" of his "atua," the "authority" of the "god" whose priest and warrior he claimed to be. Colonel Herrick thought the Government should notice Henare Tomoana's gallantry. Te Kooti at Tokano, at the head of Lake Taupo, took up a position which severed Colonel McDonell and Henare Tomoana, but he abandoned it when he learned that his enemies were arriving in force. Carrying off towards Moerangi all the cattle he could seize, he left Tokano, where Colonel McDonell effected a junction with Henare Tomoana. Te Kooti having removed his camp and baggage returned to

deal with his enemies. Again he was beaten, Colonel McDonell reporting that he fought well and contested every inch of ground with from 250 to 300 men, skilfully disposed in rifle-pits and fern-ridges. Te Kooti's loss was thought to be thirty men. Lieutenant Gudgeon's narrative informs us that "most of the killed and wounded were left behind. The latter were soon despatched, for Colonel McDonell was not a man 'to spare scoundrels who openly boasted of having participated in the Poverty Bay massacre; in fact there never was an officer in New Zealand with less of the maudlin sentimentality known as Exeter Hallism than he." To an English reader it may appear strange that in one sentence a writer can condemn brutality and advocate it. In New Zealand the anomaly was common. Te Kooti saw that his position was critical before such a commander. Moreover, the dreaded Rangihwinui was approaching. Te Kooti's enemies held the passes towards his wild haunts in the Uriwera mountains. To deter Rangihwinui, he warned him to leave the quarrel alone, under threat of a raid down the Wanganui river amongst Rangihwinui's friends. On the 1st October, after detention by severe illness, Rangihwinui reached the camp, and his Wanganui men were greeted by the Ngatikahungunu with a war-dance. On the 3rd October, Colonel McDonell with more than 400 men assailed Te Kooti's fortified position at Pourere, near Lake Rotoaira. The force was composed of Wanganui, Ngatikahungunu, Arawa, and Europeans. The commander was Colonel McDonell, but like Vendome under the Duke of Burgundy the workman was Rangihwinui. Colonel McDonell reported: "Rangihwinui's party came into contact with the enemy's skirmishers about half a mile in front of the redoubt, and quickly dislodged them, following them up wildly and driving them back in confusion and with some loss. . . . The Wanganuis set the example by charging up the face of the hill on which stood the redoubt, closely followed by the Ngatikahungunu and Arawa. Though exposed to the galling fire of the enemy, who fought well, they had in a short time taken the trenches in the front and right of the redoubt, undermining the parapet, jumping up and firing into it." Colonel McDonell said: "Rangihwinui has been my right hand man all through, and a great proportion of the late success has been

owing to his conduct, and the bravery of my old friends, the Wanganuis." Winiata, of whose prowess his tribe were proud, was shot as he stood exposed on the parapet of Te Kooti's pah, firing rifle after rifle handed to him by comrades below. A despatch from Rangihwinui to Mete Kingi was published. . . . "Whanganui and Ngatiteapokoiri made a flank movement. When the advance got close up, the flank party attacked; the enemy seeing that we were advancing to attack fired a volley at us. Whanganui and Te Paneiri paid no heed to it, but went right on. When close up we fired a volley and the enemy retreated. Winiata Pakero made a rush and killed the first man, Te Mano"—(a notable point in Maori war) . . . "the enemy retreated to their pah . . . the enemy fired and killed Winiata Pakero; they fired again and killed Pape . . . then the pah was rushed; Te Wiki jumped up and shot a Hau Hau dead. In about a minute they were lying as thick as a heap of sharks. Thirty of the enemy fell; including prisoners saved alive—seventy. The chief whose life was spared was Wiripo Tohiraukura. The last man killed was Tarei, a son of Te Papo; he was killed by Kingi te Patuotu. Of the Europeans, Captain George was killed. Three of us, the Maoris, were killed; and the European makes four." Te Heu Heu, whom Te Kooti had captured, offered to surrender to the chiefs. He told Rangihwinui: "All you have done is fair. I have nothing to say against you, but I do blame Hohepa Tamamutu, and had he led the charge on my pah, I should have aimed at him and shot him." Again Te Kooti had been wounded. One finger was shot away and his hand otherwise injured as he was putting it to his waistcoat-pocket for a percussion-cap just before the pah was taken. The pursuit had followed a track, but the wounded man was threading his way through the jungle. Where the beaten force re-assembled, Colonel McDonell could not ascertain. He marched and countermarched vainly until it was made known that Te Kooti had taken sanctuary in the territory of the Maori king, which Donald McLean had no disposition to violate. It was fortunate that Mr. McLean was in the Ministry. The same instinct which drove Mr. Fox to quarrel with Sir George Grey about confiscation of land now burst from him in a telegram to Mr. Ormond, about terms with Te Heu Heu. "I

think he ought to give land at Taupo for a small settlement and redoubt, and pledge himself to assist in road-making." By thus giving point to accusations that acquisition of land was the ruling motive of war, Mr. Fox might have inflamed chiefs hitherto neutral. Mr. McLean gave wiser counsel. He told Mr. Ormond: "I do not think it would be judicious or politic to confiscate any of Te Heu Heu's land, nor do I consider, as far as I know of the case, that such a course would be attended with good results. In the first place, his possessions are very small, and so much mixed up with the land of friendly natives that the trouble of getting a clear title would be greater than the cost of acquiring such land as may be necessary for settlement. I believe that the members of the Cabinet are agreed that the confiscation policy, as a whole, has been an expensive mistake. I am clearly of opinion that cession, in all cases where land is required, is the most politic and satisfactory mode of acquiring territory for the purposes of Government, as it will not require a standing army to maintain possession." Had these golden words been spoken by a Minister in 1863 and 1864 the island might have been pacified. It was determined to treat Te Heu Heu as having been forcibly misled by Te Kooti; and Te Heu Heu was grateful. He said that Te Kooti was probably at Tuhua, near the uppermost sources of the Wanganui river in the king's territory, within which McLean would not allow him to be pursued. From Auckland, McLean corresponded incessantly with chiefs and officers by letter and by telegram. The name of Topia Turoa may be remembered as that of a chief who was allowed (by Sir George Grey) twenty-four hours to put himself out of the reach of the Government at Wanganui. He was a relative of the Maori king. He sent word (28th October) to Rangihwinui and Mete Kingi that he had something to tell them from the king, at Ohinemutu, on the Upper Wanganui. Rangihwinui recommended Colonel McDonell to keep the armed Maoris on the alert at Tokano, while he went to Wanganui to hear the word of Topia's king. He impressed upon Colonel McDonell the urgency of making roads converging at Lake Taupo, so that, if other tribes should join Te Kooti, troops might speedily be moved to confront them. This was in the beginning of November. On the 22nd, Colonel

McDonell reported that he had been reluctantly compelled to send home the Wanganui men because he could not supply food. Fearing an attack, he had asked them to remain without supplies. "They cheerfully consented to stay, and since then have searched for and scraped up food as best they could; the last potatoes they had to go thirty miles for." Such were the conditions of war in the interior." The Maoris were, he said, "all that could be desired. I cannot say too much in their praise. Much of their good spirit was no doubt infused by their leaders Rangihwinui and Captains McDonell and Wiri-hana." Old Poihipi Tukeraingi, the fellow-traveller of Captain Meade, was on the alert. No one knew in what direction Te Kooti would be heard of, but there were rumours that Kereopa had joined him. Rangihwinui in his letters spoke of him contemptuously as "the eye-eater." Mr. McLean thought the time propitious for making terms with the Maori king, who had looked coldly on Te Kooti. Ngapora and Rewi intimated their willingness to meet their old acquaintance. McLean arrived at Otorohanga on the border of the king's pale on the 6th November. Rewi was expected to go thither to see him, but did not appear. There was some discussion amongst the natives as to the place of conference, and Ngapora invited him to Pahiko. On the 9th November, Mr. McLean with several Europeans and a few Maori friends went thither. Amongst the 200 chiefs present were many of importance from surrounding tribes. Mr. McLean was received with respect. Prayers were offered up with fervour, in front of the house of the chiefs, before Ngapora stepped forward to shake hands with his visitor. Food was placed before the guests. No chief stepped forward to speak when the repast was finished. Mr. McLean moved towards them, and said that as he understood they wished to depart from custom and to hear him first he would address them. He reminded them of his friendship with their old chiefs—the great trees of the forest—passed away. He recognized their good spirit in discountenancing Te Kooti. Why should they not all act together in suppressing evil? To Ngapora he said: "You and I are no strangers. We have talked together frequently in times gone by. Why are you now silent?" Let their speech be free as to their intentions. If evil, let it be understood;—

if peace, let it be proclaimed. My thought is, let the evil be cast away and let us hold to the good. It is now for you to express your thoughts." After long silence Rewi rose. "Friends," he said, "this is the man. This is Makarini. He has come to speak to Potatau." He chanted an invocation to the spirits of the departed; then turning to the visitor he said: "There is nothing to be said except Welcome, welcome, come and see us,"—shook hands with him, and sat down. There was another long pause, broken only by muttered speech among the chiefs. Then Rewi rose and spoke for them all. "This is my word. Cease, cease, cease. Let fighting end. Here is another word. Let my land at Taupo be restored; you have got the men, but leave the land with me. Te Heu Heu is in your hand: he has been foolish, but deal mercifully, and let him be liberated. I have yet another word;—Te Hura, has he not been punished enough for his evil? Let Te Hura be given to me. That is all. Now—do you answer me." McLean said: "As to your first word, Rewi, Cease, cease, cease,—I say yes." Let all work together to restore order. As to Taupo, the troops had not gone there to take land. Nothing would be done without consent of the chiefs who owned it. Te Heu Heu would be released. Would Rewi be answerable for Te Hura if he were set free? Rewi answered, "I will. I do not want Te Heu Heu: he belongs to another people; but I wish to see Te Hura here." Then turning to the Waikato chiefs he asked if they had nothing to say to "Makarini, the repository of the thoughts, who is able to settle troublesome questions." McLean had a word to say about Te Kooti. It was right to expel him from the district, but Rewi was wrong to accompany him. Rewi replied: "I will speak to you in future about him. He is in the mountains somewhere now. Should he not be caught by your soldiers, and should he come to me and be peaceful, I shall not molest him; but should he be troublesome in my district I will deliver him to you. . . . You blame me for accompanying him. I did so to see him out of my district. I did not wish to shield him from you when beyond my boundaries." McLean suggested that they should select a chief whom they could trust to assist the Government in allaying misunderstandings. Rewi said that enough had been done for that day,



and it was much. There were other days in store. Let the sun shine and the rain fall on the words spoken. It was no small matter that they had spoken with Makarini. If only a fragment of light was yet visible, like the dawn it would soon spread. There were indications that the chiefs were satisfied with the result. Several stepped forward to shake hands with their visitor. Tamati Ngapora told him that he was labouring to deter the Maoris from joining Te Kooti, and promised to warn old Poihipi Tukeraingi in case a war-party should be sent against the allies of the English. Te Hura, for whose release Rewi applied, had been imprisoned for joining an outbreak on the east coast in 1865. He was related to Rewi and Ngapora. On Mr. McLean's advice he, with others, was handed to the king's party on a guarantee for their good conduct by the chiefs. Mr. McLean lost no time in sending a circular letter to chiefs throughout the island to acquaint them with the good relations he had established. Thus, face to face, according to Maori custom, were terms of peace arranged with the man whom the Maoris trusted. There was no contract signed. No protocols were interchanged. They were needless. The word of the Maori was enough. The king's word had indeed gone forth, through Topia Turoa, before Mr. McLean visited the chiefs; and Mete Kingi and Rangihwinui had been invited to hear it at Ohinemutu. Mr. McLean was able to send to Mr. Ormond the names of the localities in which Te Kooti might be pursued without infringement of Tawhiao's rule. "Preliminaries of peace had been concluded," he said, "with the Ngatimaniapoto and Waikato tribes." The care with which Mr. McLean guarded against untoward events in dangerous districts was shown by the appointment, on the 15th November, of a Board to advise the Government on native affairs at Taranaki. It contained the names of the members for the district, of Mr. Parris, and of the Superintendent of the province. McLean added five chiefs to the Board soon after it was constituted. But it was important that the resolve of Tawhiao and his counsellors should be made known amongst the Maoris, and Topia Turoa was the mouth-piece of his king. Rangihwinui marched towards Ohinemutu, on the Wanganui river, where Mete Kingi and Topia had met in a new house called Aomarama, or the dawning of clear light after the

long estrangement between the Wanganui tribes. On each side were about 200 chiefs. Salutations and speeches preceded the following announcement by Topia: "Friends, fathers, brothers. You are welcome. Come with the talk—the talk of former days. You are not the chiefs of the daylight. I am the chief of the daylight. If you go to the house of a Pakeha friend you are asked what you will eat. I am expected to talk to-day, and I ask what you will take, whether—1st, You wish me to take Te Kooti prisoner; 2nd, Whether he shall be tried; or 3rd, Whether you wish that we may be at peace; or 4th, Whether there shall be fighting between us?" Mete Kingi responded. His love for the men of the Wanganui was not exhausted. Why would they persist in living in darkness? Let the good of the people of Wanganui be the first thought, and not quarrels abroad. "Salutations to you, Topia! You who have come from Tawhiao, the man who is the foundation of the whole matter. . . . Welcome, welcome to your canoe. Come back to your canoe. Although you have a different master it is right for me to ask you to come back to the feelings and thoughts of bygone days. Your words are large. In the morning it rains, at noon it clears up. Your words are like this. . . ."

The meeting separated for a repast; but the end was plain. On reassembling, the chiefs heard Topia read a letter from Tawhiao to himself, declaring that all men were to turn against Te Kooti, whose name was to be made a by-word among the people. Topia volunteered to assist in the work. But "see," he said, "this (a spear) is my only weapon. Do you think it can kill men? If you say it is sufficient against a rifle I will take it; but if not I shall require a better weapon for my purpose to look for this man. These are words! Words!—I am in earnest when I say I will look for Te Kooti. . . . This house has been well opened. Let the good work go on." Mete Kingi wished to consult with Rangihwinui before taking further steps. Topia said he would only strive to capture Te Kooti and about 30 of his immediate followers; and another chief, Pehi, said: "There is a great difference between the guilt of Titokowaru and Te Kooti. The former was fighting for his land." On the 27th, the chiefs assembled again at Ranana, a place lower down the Wanganui river. Rangihwinui had arrived. Rangihwinui

welcomed Topia as a relative who made all hearts whole by his words. Once he had declared: "I will not see Topia; he has allowed the window to be broken, namely, the word of peace between him and Hori Kingi. Now that you have come it is well." A chief suspected of intriguing with Te Kooti was told by another that he ought to exchange his spear for a "taiaha" (flat-headed wooden weapon), because it had two faces. Rangihwinui denounced the intriguer with warmth, and Topia as master of the ceremonies interposed, with words of good-will, inviting Rangihwinui to join in putting down Te Kooti. The meeting concluded with a short speech from Rangihwinui, who was not deaf to the cautions of wisdom. "Welcome, Topia, the man of influence and the man of words. . . . I am not a man of words. Fighting is my work. I am a fighting man. With you is the work at this time."

The Government having been informed of Topia's proposals, and his demand for fire-arms, Mr. Fox went to the scene. A canoe carried 40 guns and 2000 rounds of cartridges. Seven strong Maoris poled the canoe against the rushing Wanganui. But Mr. Fox was not sure that Topia could be trusted. At Ranana he met the chiefs on the 29th November. There it seemed politic to the Maoris to make Rangihwinui their spokesman, although Topia was present. He told Mr. Fox that unless he wished them to speak first it was for him to address them as visitors come from the war. Mr. Fox greeted them warmly and paid tribute to the valour of the Wanganui war-party returned from Taupo. "Let us, Kemp and Topia, combine, and then we shall have peace. Why should there be fighting and trouble? There is no cause of quarrel; we do not fight about the king, or about land; there is no cause why there should not be peace. . . The country is large enough for all." It may be questioned whether the new opinions of Mr. Fox about the Maori king's position and the right of Maoris to their native lands would have been accepted by the Maoris as sincere, if McLean had not been the Native Minister. The man of whose enmity Te Waharoa the king-maker had complained was not the man after their hearts. They put forward Rangihwinui, who had declared that he was no orator, to make categorical demands. "I have three burdens on my shoulders. They are very oppressive, and

it is in your power to remove them. My first burden is Tongariro;—the land about Taupo. Let that land be given to the original owners, to Hare Tauteka, to Topia, to the children of Hori Kingi, to the chiefs of Wanganui, who have claims there. Do not take the land as the land of the Ngatiruanui tribes was taken. That land, Taupo, belonged to me in common with others. After Te Kooti came, I went there and took that land again. I took it as a servant of the Government. Therefore I say to you, at the head of the Government which I serve, Do not confiscate that land, the land of the men who have been fighting your battles. Let the owners of the land re-occupy. That is one burden which it is for you to remove.” The other burdens were about imprisoned Ngarauru and Pakakohi Maoris. Let them be given to him. Let them live on the Wanganui river. He would be responsible for their good conduct. Others, including Mete Kingi, took up the burdens of the chieftain’s speech. Mr. Fox was now face to face with Maoris, as he had desired to be a few years before. But he had not an English army at his beck in 1869. He also felt his burden. As to the Taupo land: “Why should the Government claim it?—the land of Hare Tauteka, of Topia, of Wirihana and the rest? Is it not the land of those chiefs, and of the children of Hori Kingi? The Government will not touch any of that land. It will remain with the owners who have always possessed it.” Mr. McLean was the man to arrange such matters with the chiefs. The assembled chiefs applauded the speaker, and Rangihwinui said, “that burden is now taken off.” When Mr. Fox said that the Ngarauru men would be allowed to live on the Wanganui river under Rangihwinui’s care, there was loud applause, but the third burden he could not at once remove. When peace might be firmly established, perhaps the offending Pakakohi imprisoned at Otago might be released.<sup>1</sup>

The subject of putting arms in the hands of Topia was

<sup>1</sup> In 1879 the author conversed with Rangihwinui about his propositions, and Mr. Fox’s acceptance of them, with regard to land at Taupo, and the Ngarauru prisoners. He smiled and said: “I made better use of the prisoners than the Government. They tried to keep them at the Chatham Islands. Te Kooti escaped and caused trouble. I induced Mr. Fox to yield those prisoners to me. I made soldiers of them, and they fought well for the Queen under me. Was not that better?”

reserved for an interview between Mr. Fox and that chief, with Mete Kingi and Rangihwinui. Fox was profuse in compliments to the outlaw, who in 1865 had coolly refused to take the oath of allegiance. The members of the Government were now friends with "chiefs and tribes of honourable men." McLean had their best interests at heart. Topia was pleased to hear that Mr. Fox had brought fire-arms to enable him to pursue Te Kooti. "My words were not spoken lightly, therefore I willingly take the responsibility of receiving the arms you have brought." Let the arms remain with Mete Kingi and Rangihwinui till required. "There are two tribes or peoples here. First, the Europeans, amongst whom I include all Government natives; and secondly, the natives living inland. I represent the latter class. We struck out a path for ourselves; but the good in that work has been destroyed by wicked men (Te Kooti and others) who made side-paths for themselves, which have led to trouble and disaster, and brought disgrace upon the whole party of which they were offshoots. We, the chiefs and men of thought of this party, now wish for what you also wish,—a renewal of the good feeling which once existed between the Pakeha and Maori. We are now trying to establish a road to it." Mete Kingi suggested that he would leave to Topia and Rangihwinui the charge of the arms. Mr. Fox perhaps distrusted Topia's loyalty; for he waited till the following day for a general recommendation from the friendly chiefs, who reported that it was right to trust Topia fully, and hand him the arms. Mr. Fox then proceeded up the river to Ohinemutu, where he renewed his assurances of goodwill at private conference, and on the following day (1st December) met the chiefs publicly in the new house, Aomarama. How deeply the land question had pierced the native mind was shown by the importance given to the fact that Mr. McLean's policy—not to confiscate land at Taupo—was made the public test of the words of the Government. Topia declared: "We have heard your words about Taupo; they are the same as those of Makarini (McLean) in reply to Rewi." Mr. Fox protested that he had great confidence in Topia. "Had I thought him a deceitful man I would not have brought those guns. I knew Topia was a great chief, and I felt sure the word of such a chief would not be broken." Tahana Turoa rose and

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repeated the words of Topia Turoa ; then, turning to his brother chiefs, he said : " Let this first of December, 1869, be the first day in our new life ; let all the old thoughts and grievances be washed away. . . . When we separate, let not the separation be long. Let the Pakeha and the Maori come to the Aomarama ; and let us hope for better times in the future."

Mr. McLean had indeed done a good work, and Mr. Fox deserved gratitude for not impeding it. Maugre the blunders by which the Government or their officers had stirred up fresh strife, peace had dawned upon the land. Topia Turoa in the name of the king was ready to war against Te Kooti, who was lurking in the mountains whence flowed the waters of the Wanganui and the Waikato. To the north and east the Maori king frowned on him. On the east and south the Wanganui tribes were standing in the leash. Westward he had just been hunted from Lake Taupo (where Colonel McDonell remained), and the colonial forces seemed to bar his way to his old haunts among the Uriwera. While schemes for his capture were being concocted, it was reported in the town of Wanganui that he had made a raid on a native settlement on the river. Mr. Fox telegraphed to Mr. Ormond that "all Wanganui was furious," and that Rangihwinui wished to take 500 men to punish the outlaw. That chief with Topia Turoa and 600 men, of whom each commanded a moiety, proceeded up the river from Ohinemutu, on the 13th December. Te Kooti spurned the warnings of the Maori king, and retorted with threats. Tribes were mustering in all directions, and it was not known whether some would ally themselves to Te Kooti. A chief, Topini, barred the progress of Topia and Rangihwinui, but on Topia's persistence withdrew his opposition and furnished food. Amongst the 300 whom Rangihwinui led were some of the Ngarauru, who, made prisoners for aiding Titokowaru, were yielded to Rangihwinui by Mr. Fox, and now shouldered arms for the Queen.

Everything seemed prosperous to the Colonial Ministers if only Earl Granville would leave the 18th Regiment a little longer. But at this time terms which would "preclude continuance of doubts and surmises," ordered removal of the troops. It was urged that the "distasteful remedies of abandonment of land, the recognition of Maori authority, and the maintenance of

an expensive force" would not be resorted to while the colony expected assistance from England. The true friend of the colonists would tell them that they must adjust their policy, at whatever sacrifice, to their resources. The Ministers at Wellington drew up a long memorandum which reached Sir G. Bowen while he was on a tour with Mr. McLean at the Thames, in January, 1870. They deprecated change at so critical a juncture while delicate negotiations with Tawhiao were in progress. They pointed out that the despatch written on the 7th October was published in London in the 'Times' on the 12th October, and the substance of it, publicly telegraphed to Ceylon, became known in New Zealand before the despatch reached the Governor. The colonists asked neither money nor compassion from England, but appealed to the eternal principles of justice, which were as much the duty of the strong as the heritage of the weak, and which even the most powerful nation should not withhold from the meanest suppliant. They claimed that the colony should not practically be "thrust out beyond the pale of the empire as of infinitely less consideration than a British subject in foreign lands." Sir G. Bowen stated in his despatch that Mr. Donald McLean entirely concurred with his colleagues. At a later date (2nd April, 1870) the Governor sent a separate memorandum, in which Mr. McLean said that a meeting was about to be held at Raglan, on the west coast, by natives, to consider Earl Granville's despatch, and that "it would be well that Lord Granville's attention should be called to the fact, and should be informed that the despatch, which was supposed to convey his ultimatum, is understood by the natives to mean encouragement to them to make extravagant demands on the colony." Mr. Fox also denounced bitterly the invitation to leave the empire, which Earl Granville, by implication, offered to the colony. The "Ministerial Memoranda" were published in pamphlet form in New Zealand, with a preface which declared that the policy pursued towards New Zealand "evidently contemplated a disruption of the empire." The pamphlet was transmitted for general distribution in England. It happened that at this time the tone of Earl Granville and the speculations of Professor Goldwin Smith and others jarred upon the hearts of many Englishmen. Earl Granville had casually said that there



would be no desire to retain a colony willing to separate itself from English sway. A Colonial Society (afterwards the Royal Colonial Institute) was formed in London in 1869, to bind closer the union of the mother-country with all her colonies. The effect was almost instantaneous on the mind of Mr. Gladstone if not on Earl Granville's. Viscount Bury was made President of the Society. In March, 1869, 200 noblemen and others expounded their thoughts after a feast. Conservatives and Whigs were there. Mr. Gladstone, the Prime Minister, proposed the toast of "Prosperity to the Colonial Society," and with practised tongue played upon the sympathies of his audience. The Marquis of Normanby, in proposing the toast, "the Colonial Empire," roundly declared that no severance of colonies such as some persons desired would be tolerated by those whom he addressed. He for one entirely repudiated such a doctrine. Earl Granville returned thanks for the toast, and descanted amiably upon the reorganization of the order of St. Michael and St. George, recommended by his predecessor, and promoted by himself. Four Cabinet Ministers graced the board, and the spectre of the disintegration of the empire was not presented to view. Yet, like the effigies of Cassius and Brutus kept out of sight in Rome, it was in all men's minds. Sir Charles Nicholson, who had been Speaker in New South Wales and President of the Legislative Council in Queensland, deprecated the mischievous speculators who would sever the colonies from England. Sir Charles Clifford, recently Speaker in New Zealand, touched the same chord more sharply when he said that to keep the colonists in good humour it was needful "that their feelings should not be maligned." Under the varnish of Earl Granville's polished manners he saw the spirit of detraction unabashed; and shortly afterwards he signed with Sir George Grey and others the protest which declared that the policy of the Colonial Office tended to drive New Zealand out of the empire.

The new Society was not a power, but it expressed a conviction. The typical Englishman, though not a creature of sentiment, displays feeling when it is least expected by those who do not understand him. When, in 1857, John Bright and Richard Cobden were rejected at Manchester and Huddersfield, when, in 1874, Mr. Gladstone was sent back from a general election shorn

of his strength, the surprise of their friends was measureless. They called the people ungrateful. They ought to have confessed that they had misunderstood them. At the inaugural meeting of the Colonial Society on the 15th March, 1869, Viscount Bury declared that the brilliant but mischievous eloquence of Professor Goldsmith Smith called for such a bond of union as the Society furnished. A greater than Smith ere long advocated hearty union between England and her colonies, and the baleful light of Goldwin Smith well-nigh perished. "Earl Granville" (wrote J. A. Froude) "took pains to exhibit his indifference whether the colonies went or stayed; and it is this indifference, so ostentatiously displayed, which is the active cause of alienation." By faint denials and polite evasions, and by his translation to the Foreign Office on the death of the Earl of Clarendon in 1870, Earl Granville's influence disappeared. His successor, Earl Kimberley, took a different tone, and Mr. Knatchbull-Hugessen, who became Under-Secretary for the Colonies, disclaimed all sympathy with those who would treat colonies with coldness, and would regard as a matter of money the links which bound them to the land of their forefathers. He for his part would do his best to strengthen them. In 1872, he was able to assert that such was the policy of the Government of Mr. Gladstone. "Once more I tell you that unless I am utterly and entirely deceived the policy of the Government is to cement the union between the colonies and the mother-country." Iteration would have been needless if Earl Granville had not created the impression which the speaker strove to destroy. But, as has been seen, the indifference of the lump of society was leavened at last. There was a feeling that Lord Granville had needlessly wounded loyal hearts. On the 27th July, 1869, Earl Carnarvon suggested that the Government should send some one in whom they had confidence to report on the colony. He cited analogous cases: Lord Durham in Canada; Sir H. Storks in Jamaica; Mr. Gladstone in the Ionian Islands, furnished instances. Lord Granville did not accept the suggestion, but avoided the use of phrases calculated to irritate the colonists. The Bishop of Lichfield entreated the Government not to commit themselves rigidly to the principle that they would under no circumstances interfere in the affairs of the colony. He declared that though

a few colonists might at times rush into violence, the great majority were inclined to live in peace with the natives. In mercy, both to colonists and natives, let power be retained to interfere in urgent need. It is almost needless to say that his eloquence was less potent with Earl Granville than it had been in former years with Maoris. The planished crust of civilization can be harder than the heart of a savage.

About the same time that Sir George Bowen was sending home the remonstrances of his Ministers against Earl Granville's despatch of the 7th October, 1869, the New Zealand Commissioners arrived in England, and the negotiations of Mr. McLean with the Maori king's adherents became known. Earl Granville seized the occasion to offer to the negotiator the distinction of Companion of the Order of St. Michael and St. George. Unconscious of the offer which was being wafted to him, Mr. McLean was intent on the pursuit of Te Kooti. Mr. Vogel was busy in Australia negotiating a mail contract between Sydney, Auckland, and San Francisco. Maori affairs were by common consent confided to Mr. McLean. Topia Turoa and Rangihwinui, impeded by stormy weather and want of supplies, reached Taumarunui, near Tuhua, to find that Te Kooti had deserted his cultivations, which were so extensive as to imply that he had intended to dwell there. Rangihwinui sent back 100 of his men to guard the Wanganui country, and pursued with Topia. Suddenly Te Kooti appeared close to the English settlement, Cambridge, on the Waikato river, far from his recent lurking-place, and seemed to threaten settlements at the Waikato on one side and Tauranga on the other. He was received in a friendly manner by a chief, Hakaraia, of Tapapa. He sounded the son of the king-maker, Te Waharoa. He sent a message to Mr. Firth, the friend of that chief, and the would-be negotiator for peace with Rewi and the Maori king. He told Firth his lands were safe because he had been the friend of Te Waharoa. He would not fight on them. Mr. Firth thought this a Maori overture and telegraphed to Mr. McLean. If the Government would spare the lives of Te Kooti and his companions he might surrender. Te Kooti asked for a conference with Mr. Firth, who agreed to meet him at the monument of Te Waharoa at Matamata. Mr. McLean had hastened to Tauranga to order affairs there in case of

attack. Dr. Pollen, the agent for the Government at Auckland, refused to parley with Te Kooti in spite of Mr. Firth's urgent averment that a general amnesty might ensure a lasting peace. It was agreed that no effort should be made to capture the outlaw during his interview with Mr. Firth. Te Kooti told Mr. Firth that he wished to live in peace with Hākaraia at Tapapa, and that if the Government would let him alone he would never fight again. On returning to Cambridge, Mr. Firth found a message from Dr. Pollen, guaranteeing safe-conduct for Te Kooti as a prisoner to Auckland. Te Kooti wrote back to Dr. Pollen: "Friend, I have seen your reply. My word to you is that I have promised Firth to cease fighting. But as for me I will not go to Auckland. Let me remain in peace. Slaying shall cease; but if you pursue me let it be so. Friend, let your trying to kill me cease. That is all." If Mr. McLean could have foreseen the future he might have accepted these terms. But Te Kooti's capture was deemed certain. Topia and Rangihwinui were on the march. Colonel McDonnell effected a junction with them. Between Te Kooti and his haunts among the Uriwera was the lake country of the loyal Arawa. The Ngaiterangi at Tauranga had pledged themselves to assist McLean. McLean's chief obstacle was found in Earl Granville's despatch of the 7th October. He wrote to the Governor (14th February) that some of the rash advisers of the king "read in the despatch an incentive to combined national movement. The furiously disaffected are of course delighted with it. It has even worked mischief with that section of the colonists who have habitually felt themselves at liberty to interfere without authority, and lend their countenance to rebellion. Thus Mr. Firth, the lessee of a large quantity of native land, made an attempt to procure for Te Kooti, who had promised not to interfere with his land, something like a free pardon. Ministers have lately had to exercise a great deal of firmness." With such feelings in McLean's mind the overtures of Firth were disregarded. Mr. Fox also was indignant. He rated Dr. Pollen for suspending operations during Firth's interview with Te Kooti. The Government would not accept any position thus forced upon them by a man who like Mr. Firth "officiously interfered" by visiting Tawhiao in 1869. Dr. Pollen at once tendered his resignation of office, but, apprehensive of

going too far, Mr. Fox in the name of the whole of the Ministry begged him to withdraw it, and Dr. Pollen remained Government Agent at Auckland. When the papers were presented to the Assembly, Mr. Firth took umbrage at the allusions to him and wrote a defence, which was also printed. He wrote also to the Secretary of State. Confident in his own intentions and in the estimation in which he was held, and attributing Mr. Firth's zeal partly to a fear lest he should lose his land held under lease, McLean paid no heed to him, and the Government forces were pushed forward to hem in Te Kooti, who knew their movements, and told Dr. Pollen to keep back the troops if he wished for peace. Colonel McDonell, Rangihwinui, and Topia, with a force of 370 Wanganui, 150 Arawa, and 100 Europeans, advanced northwards rapidly from Lake Taupo, and on the 24th January came in contact with Te Kooti's picquets at Tapapa. Rangihwinui's usual office of activity fell to his lot. With 200 men he dived into the forest to take a position on the enemy's rear in the night. The remainder of the force was to move at daylight on the 25th January. Colonel McDonell thought it fortunate that he was prevented "by circumstances" from moving so early as had been agreed upon, for "just as he was preparing to start," from the bush close to his camp the alert Te Kooti made an attack upon him in a dense fog. The enemy was driven back with trifling casualties. Topia Turoa and his men pursued and lost several men, though not so many as they killed. In the afternoon Rangihwinui returned. He had heard the firing at Tapapa and dashed directly on Te Kooti's camp, which he destroyed, capturing more than 100 horses. The loss of his horses was thought a deadly blow to the fugitive. But for several days no man could learn whither he had gone, although more than 800 men were in arms against him in the district. On the 29th January he was found at Kurunui. Thinking it too late to attack him on that day, McDonell returned to Tapapa, leaving Rangihwinui to watch him on a rifle-pitted hill. In the morning Te Kooti was gone. Rangihwinui pursued through the bush, and on a track leading towards Tauranga shot an enemy in the rear-guard of the fugitives; but having no supply of food was compelled to return to his camp. The robber's career seemed to be run. Contemned by the king, beaten by

the English allies loyal to the Queen, he could raise no tribes to assist him. The Uriwera, fearing confiscation of land for their previous hostility, might, like himself, live and die snapping like wolves at their foe, but the Arawa domain was between him and the Uriwera, and the Arawa were in arms against him. A strong force was posted at Rotorua. Nevertheless, such was the desperate character of Te Kooti that he was still the object of terror. McLean instructed Colonel McDonell to guard the Rotorua passes, and specially to prevent the outlaw's escape westward into the domain of the king. The alarms of dwellers in Tauranga may be guessed when it is remembered that it was visible from the hills in which Te Kooti lurked. Fortunately H.M.S. 'Blanche' and 'Rosario' were in the harbour. Through the tangled wood and the fern, marauding parties, far outnumbering his own, in zigzag courses strove to find and crush the outlaw.

Topia and Rangihwinui advanced on his trail towards Paengaroa. Colonel Fraser was traversing the dense forest between Tauranga and Rotorua, when, on the 3rd February, from an ambuscade, shots laid low two Arawa and one European. The outlaw retreated safely, and it was remarked that he had accepted the new conditions of his warfare. There was no war-cry of defiance, no shout of exultation. His path was silent as death. Topia and Rangihwinui reached Paengaroa on the 4th, and lamented that the skirmish with Colonel Fraser had disturbed their prey. Colonel Fraser, "glad to see them," "sent them for food, and to occupy Oropi," about twelve miles from Tauranga, thus unwisely checking their pursuit. The Civil Commissioner at Tauranga, about 17 miles from Paengaroa, wrote: "I am unable to explain why Te Kooti's trail was not followed up." Rangihwinui proposed immediate pursuit, but he was over-ruled by the European commander. Colonel Fraser's reason was thus stated: "On the 6th, it rained torrents." Te Kooti was regardless of such impediments. On the 7th, he was far away to the south, at Lake Rotorua, where Lieutenant Mair strove to stay him with the loyal Arawa. A Maori woman had seen some of Te Kooti's band emerging from the forest of Ngongotaha, on the west of Lake Rotorua. She fled to escape capture. As Mair was gathering in his patrols, the robber sent an envoy to propose terms of peace between the

Uriwera tribe and their neighbours. He knew himself outnumbered. His men were distressed with their toils through mud and jungle. He wished to obtain time. Before it was discovered that the peace proposals were a trick, he had sped two miles on his way. Availing himself of every favourable position to shield with picked men the retreat of the main body—Kereopa the eye-eater being conspicuous in a determined charge,—through broken ferny ground and swamp and fell, he pursued a track till the sun had set, and then suddenly turned into the Tumunui bush, into which it was thought useless to follow him. The pursuers were fatigued. So hot and close was the pursuit for 16 miles, that, with a glass, Lieutenant Mair could distinguish Te Kooti and his wife and the guide who led them. Through the night the flight continued. A brief halt was made to cook food at Ohau, and at daylight the path to a grim lodgment in the Uriwera territory was assured. Colonel Fraser, who had checked Topia and Rangihwinui in their pursuit, was urged by Mr. Clarke, the Civil Commissioner at Tauranga, to hasten to Rotorua through the Mangorewha forest to help Lieutenant Mair. He marched on the 8th February to Tauranga to obtain passages by sea to the south, in order to land his troops and march inland to Kaingaroa, in the Uriwera territory. Mr. Clarke complained that Colonel Fraser had not perceived that men could not be landed on the coast in the heavy sea then running, and that the only available vessel was incapable of carrying his men except by repeated voyages.

On the same evening in which Te Kooti shook off his pursuers and dashed into the Tumunui bush, the wondering Colonel McDonnell arrived at Tauranga to gain intelligence—"having not the least idea of what was going on." While pursuing Te Kooti, Rangihwinui had sometimes been without any food but fern-root for his men. It was plain that but for Colonel Fraser's interference, Topia and Rangihwinui might have prevented Te Kooti's escape from Paengaroa. Ropata Wahawaha with the Arawa chiefs consulted with Mr. McLean. Confusion ensued from divided command, Ropata said, and Maoris were impatient of European orders "while engaged in field operations." It could not be forgotten that at Ngatapa Whitmore would have sacrificed his force but for the sagacity of Ropata. The



Government informed the commander of the field force Colonel McDonell, that after full consideration they had determined that no European should interfere with the new expedition, but that the chiefs of each tribe should command their followers.<sup>1</sup> In after years Mr. McLean informed the General Assembly that Ropata declared that his zeal was stimulated by McLean's resolution that life should be spared. Ropata's good faith was proved by his capturing some hundreds of his countrymen on these terms. Ropata was to lead a force from the Poverty Bay coast to the Waikaremoana and Ruatahuna districts. Another column was to move from Hawke's Bay to the Waikare Lake, and Colonel McDonell with the help, and giving due weight to the opinions, of the native chiefs, was to dispose the native forces for purposes of protection of the Bay of Plenty. All Europeans were withdrawn to Maketu. To Topia and Rangihwinui Mr. McLean wrote that the chase after Te Kooti was handed to the Maoris, "because according to what the chiefs say, the reason for failure was the complication caused by European officers."

For catching or killing Te Kooti the Government offered £5000. Ropata Wahawaha would lead the Ngatiporou. Their own chiefs would command the Ngatikahungunu. Topia and Rangihwinui would lead the Wanganui. On the 4th March, after "making arrangements with the people (the tribes) of this east coast," Rangihwinui wrote that, with 428 men, he was marching. The Arawa chiefs remonstrated against their work being paid for only by a sum in case of Te Kooti's capture. Some one else might capture him. One of them said of his tribe: "These children do not approve of this mode of service." Another wrote: "The heart has become sad because of your letter stopping the daily pay. Here is another affliction of ours—having no food. This is the word of the chiefs, that the four shillings a day be again given." Mr. McLean answered that

<sup>1</sup> Lieutenant Gudgeon, in his 'Reminiscences of the War,' makes no allusion to this announcement on the part of the Government, except by casual mention that the campaign near Tapapa "was the last in which European forces were employed," and that "fortunately for the Government they found two men to be depended upon in Kepa te Rangihwinui and Ropata Wahawaha." It seems desirable to tell the truth which, if Gudgeon knew, he did not tell.

other tribes had agreed, and that his love for the Arawa would not cease. If they could catch Te Kooti the Government would settle with them without trouble. He consented that food should be supplied. True to his word, Ropata started with nearly 400 men from Poverty Bay. The Governor wrote (19th February): "The march of the loyal chiefs Rangihwinui and Topia (lately one of the principal adherents of the so-called Maori king) in pursuit of Te Kooti is certainly a remarkable event. In three months they have forced their way, at the head of their clansmen, through the forests and mountains of the central interior, across the entire breadth of this island from Wanganui on the west coast to the Bay of Plenty on the east. Neither the constant guerilla warfare in which they have been engaged, nor the severe trials and hardships which they have encountered, seem to have impaired their zeal and spirit."

Early in March, Rangihwinui had a skirmish near Opotiki, and made peace with a Uriwera chief, Tamaikowha, who was thought not to have joined Te Kooti. The terms were to be open to all the Uriwera tribes. Ropata, who had expected to meet Rangihwinui at Maingopowhatu (a celebrated pah in former times, situate on a rock 500 feet high, on the highest range in the mountain country), was disconcerted by the peace, though he reluctantly consented to it. He himself captured all whom he could find—about 50 men, women, and children—with a view to keep them, not as slaves, but as a means of making a durable peace. The captives suffered from cold. He asked for clothing for them, and spades with which to cultivate for food. A raid by Te Kooti, near Opotiki, being reported, Ropata marched thither, meeting Rangihwinui at Ohiwa, and expressed surprise at that chief's inaction. The blow struck by the outlaw was at Opape, eight miles from Opotiki. He swooped upon it and captured all the Whakatohea natives there, about 200 in number. Most of the young men were away with Rangihwinui. Mr. McLean wrote (26th March) that the fate of the prisoners was unknown, but their massacre was apprehended. Colonel McDonnell and some Maori chiefs threw blame upon Rangihwinui. He did not discuss the question in his official despatches, but with Topia and a strong force, marched, on the 20th March, before midnight, up the valley of the Opotiki river, crossing over

to the Waioeka river, so as to take Te Kooti in flank. On the 24th March, he captured several villages and pahs before assailing with 300 men a large pah, Maraetahi, in which (he wrote to Mr. McLean) were Hakaraia and Kereopa the eye-eater. "Having reached the pah, dispositions were made to surround it. The pah was attacked and the prisoners taken by Te Kooti—I mean the people of the Whakatohea—were recovered by us; those who were taken at Opape. Of the Whakatohea there were,—males, 57; females, 83; children, 78. Total, 218. Belonging to Te Kooti—males taken alive, 23; females, 38; children, 26. Men killed, 18. Grand total, 323. There were amongst the killed three chiefs—Hakaraia of the Ngaiterangi; Timoti, who commanded the vessel that brought the prisoners from the Chatham Islands; and Hakopa, a cousin of Te Kooti's. As for Kereopa, it was during the confusion that took place about the Whakatohea, or that which ensued, that he managed to escape. Moreover, none of the Wanganui men knew him by sight." Naming chiefs who "all did their work equally well," he added: "This finishes my report." Of himself he said nothing. Writing to Mr. Fox, he said that "Hakaraia, the son of Satan, was killed." Scouts were sent out to discover Te Kooti's position. Ropata, meanwhile, ascending by the rugged Waioeka river to the Maraetahi pah, had surprised a picquet as he approached Maraetahi, but the inmates fled when one man was shot, and a man and woman were captured. Rangihwinui and Topia were approaching silently from the rear of the pah, and heard the firing. They intercepted many of the fliers, killing and capturing. Rangihwinui wrote to Mr. Fox: "They came upon the pah suddenly, not having sent scouts. Some of them say that the squad in front were dull fellows; had it been Ropata's own 'hapu' some of them would have been caught." Topia wrote to Mr. McLean: "Friend, I think we should have caught Te Kooti if it had not been that Ropata attacked the pah in which he was. I think if I had had the storming or taking of the position we should have captured that fellow Te Kooti." Ropata wrote: "The proverb says, 'It is a work to which one may return again.' What could we do in so rugged a country? Had Te Kooti escaped from an attacked pah, there would have been cause for disappointment. As it was, he kept

to the unfortified bush, and before we could overtake him your people were faint with the fatigue of climbing and descending the precipices of this rugged country."

Among the wiles of a Maori leader was a knowledge of human nature. In passing through the Uriwera country Ropata's people captured a woman and child. The woman said her husband was hunting and would soon return. The captors waited. As the huntsman returned, the woman warned him by a loud salutation. He threw away his load, bounded up a precipice, and escaped. Ropata told the Englishman who accompanied his force that the man would follow, "seeking the body or blood of his wife and children." His prophecy was true. At another place five were captured. Two escaped. Ropata was at hand. He quietly moved forward, and having encamped two miles away, sent a picked force to surround the place where the five had been captured. The two refugees would, he said, return to ascertain the fate of their companions. His judgment was correct, and the men were captured. Sometimes when the warriors were resting, Ropata incited them to bravery by singing "waiatas," which stirred them as the Spartans were stirred by Tyrtæus, and in which the imagery and lyric force of the Maori tongue went to their hearts like fire. These and other facts were embodied in official reports by Lieutenant Porter and by a Civil Commissioner (H. T. Clarke) to the Native Department. The latter declared that the family jealousies among the Arawa had made him believe previously that the Maori contingent needed European leaders. But with the Ngatiporou and Wanganui the case was entirely different. "Majors Rangihiwinui and Ropata have perfect control over their men, and their orders are strictly carried out. A chief of the Ngaitai, who has been serving under Rangihiwinui ever since the Wanganui came to the Bay of Plenty, told me that he had served under Pakeha Colonels and Majors, but none of them would compare with Rangihiwinui, adding: 'That is a man of judgment, and one I would follow to the death.'"<sup>1</sup> Mr. Fox wrote warm thanks to

<sup>1</sup> N. Z. 1870; A. No. 8, B. p. 35. The Whakatohea contrasted the march of the Wanganui men with that of Europeans. The latter were heard far off by "the jingling of their pannikins and their oaths, whereas the Maoris moved without noise" (H. T. Clarke's report). A return

Rangihwinui and Topia for "quenching the power" of Te Kooti.

As old Waka Nene had mainly built up English influence in 1840, so now in 1869 it may be said that the security of many settlements rested in the hands and hearts of Rangihwinui and Ropata, and the countenance of the Maori king reflected in the conduct of Topia. It was fortunate for the colonists that the chiefs confided in the word of Mr. McLean. The ignominious flight of Te Kooti from the pah at Maraetahi was fatal to him. There he had thought himself safe behind the almost inaccessible gorge of the Waioeka. There he had taken refuge after his rout at Ngatapa. There he had caused a *whare karakia*, a temple for prayer, to be built, and furnished with mats manufactured with great care. There now his atua, or god, was dishonoured and degraded. Ropata discovered that the outlaw had secreted gunpowder in the neighbouring woods for extreme needs. With prisoners as guides, the chief rooted out from two places in the forest 20 quarter-casks of powder and a bag of bullets. Captain (late Lieutenant) Gilbert Mair was with the Arawa contingent, scouring the Kaingaroa plains and Rangitaiki river amid frost and snow. Mr. McLean went to Opotiki to consult the chiefs of the victorious expedition. They showed their men suffering from bruises and sores, and wished to return home. Campaigning in winter in mountain snows was hardly to be expected, and Mr. McLean yielded to their wish. He told Rangihwinui that the peace with the Uriwera was not sanctioned by the Government. Some of the Whakatohea chiefs had been suspected of intrigues with Te Kooti. To ward off raids from such a foe they might almost be excused for overtures, and it was a portion only of the tribe which was accused. Many of them had joined the campaign against Te Kooti. Mr. McLean prudently accepted their defence,

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(1870. D. No. 36) laid before the New Zealand Assembly, explains in some measure the inferiority of the European. In July, 1869, there were about 1400 men in the armed constabulary force. In 12 months 330 had been discharged for drunkenness, 263 for uselessness, and 38 for insubordination. In June, 1870, the number enrolled had fallen to 776, but by that time the victories of Rangihwinui and Ropata had made the State independent of its "discarded unjust serving-men."

holding Ropata and their other neighbours responsible for them in future.

It was ever the curse of New Zealand that some European, after a notable success, presumptuously provoked strife. Colonel St. John at Opotiki became now the sinner. Mr. McLean was not faultless perhaps, for he took no steps to acquaint Tamaikowha with the views of the Government on the terms of peace made with that Uriwera chief by Rangihwinui. Tamaikowha informed Rangihwinui, Topia, and others, including Captain Mair, that the Uriwera tribe accepted the peace, and that there would be no trouble if the land were not invaded. Colonel St. John started on the 24th April, by what he called Kemp's (Rangihwinui's) track, with 50 Whakatohea to surround Tamaikowha in his sleep, at Wakarae, where he was visiting, and holding communication with the Arawa. A dog barked as the circle was contracting, and Tamaikowha, dashing down a precipice, escaped in the darkness. Two of his sons were captured. His uncle, Tepine, was "tomahawked." Such was the narrative sent by this pestilent disturber to Mr. McLean. He even wrote boastfully and coarsely of what he had done. Mr. Clarke, the Civil Commissioner, submitted that the action was not judicious. Tamaikowha had not been told that the terms of peace were disapproved by the Government. The stealthy attack upon him would be "considered a 'Kohuru' (murder), and nothing will convince the natives to the contrary. I think means should have been taken to inform Tamaikowha that Rangihwinui's truce could not be acknowledged." The act of Colonel St. John, done by a Maori to a European, would have been called murder, as Whitiora plainly told Mr. Firth at Orahiri. Mr. McLean did not prosecute the Colonel, but reminding him that he had not adhered to his instructions, which were "to capture Te Kooti if possible," he said: "The course you have taken is not only likely to endanger the safety of the settlements at the Bay of Plenty, but also to impress the natives with the conviction that an act of treachery has been committed by an English officer. I cannot deprecate your action too strongly in this instance, which leaves me no alternative but to remove you from the command at Opotiki." Letters were received from Uriwera chiefs, saying, that the "recent murder"

by Colonel St. John deterred them from friendliness. The resident magistrate at Tauranga wisely induced some friendly chiefs to write letters denouncing the act as unauthorized by the Government. He sadly said, however: "From a man of Tamaikowha's well-known ferocity, I fear that the least that can be expected in way of retaliation will be a murder or two on the beach." Mr. McLean took the occasion of meeting some chiefs at Whakatane, to declare that after what had passed, if Tamaikowha would surrender he should not be punished; and eventually through Ropata's means Tamaikowha was reconciled. An expedition marched in May to Lake Waikaremoana at the head of the Wairoa river, capturing a few prisoners; and Captain Mair from another direction went to Fort Galatea on the Rangitaiki river, where a friendly native induced several chiefs to tender allegiance. One of them, a Wanganui man, had been with Te Kooti for several months, but had left him in disgust, having lost faith in his atua (god). He told the names of the few who clung to the outlaw. A noted hostile chief, Te Waru, had separated from Te Kooti, and was thought to be at Waikaremoana with a band which yelled derisively at their pursuers, who vainly eyed them from the opposite shore of the lake, on the 8th May. Colonel St. John, though summarily treated by Mr. McLean, was not driven from the service, but was permitted to take part in further operations. Te Kooti, meanwhile, was skulking at Te Wera among the fastnesses of the Upper Waioeka. His lair was unknown to his enemies. Even in the hunted savage there lurked some kindly feeling. He had returned after his flight from Maraetahi, and buried his dead after the conquerors had disappeared. He was now frowned upon even by the Uriwera. Ropata headed a brief expedition to the mountains, and returned with 28 prisoners. Amongst them was the husband of a woman captured by Ropata on his previous journey to Opotiki. As Ropata had prophesied, the poor wretch had then followed the captors of his family, and finding at one of Ropata's camps some rags which had belonged to his children, was found wearing them round his neck. Ropata was kind to prisoners, as he had stipulated with McLean that he should be permitted to be, and several voluntarily surrendered in consequence of letters sent to them by him. Forty-two of



the Uriwera gave themselves up on the 7th June, and on the same day Mr. Hamlin, who was again at Waikaremoana with friendly natives, crossed the lake and occupied Matuahū, the principal position of the enemy who had fled. Large stores of potatoes were found there, and Mr. Hamlin thought that he had discovered the last resort of the Hau Haus. He destroyed potatoes enough to feed "a thousand men for fifteen months."

The plundered robbers meanwhile lurked in frost and snow, delving for scanty sustenance—living, it was said, on rotten maize and fern-roots. Te Waru was thought to be near Maungapowhatu, and Te Kooti was at Te Weranga on the rugged watershed of the Waioeka. Several Uriwera chiefs surrendered, and through one of them (Hapurona) Mr. Clarke invited others to yield. Excepting Te Kooti, Kereopa, and one or two other murderers, all lives would be spared. Hapurona's manner proved that fear of confiscation of land was intense among the Uriwera. Mr. Clarke wrote: "With respect to your lands, the Government will not hold them. The confiscated block will not now be extended. Respecting Tamaikowha, the peace of Rangihīwinui will be acknowledged if he will come out, and there will be no thought towards him on account of his alleged crime. Do not think about Tepine (the chief tomahawked under Colonel St. John), the Government disapprove of the death of that man." It is the strong man who is bold enough to confess to a wrong, and thus disarm complaint, or diminish distrust. Mr. McLean's candour was not unrewarded. More of the Uriwera surrendered. Six of them, as the winter hardened, were found (by Mr. Hamlin's native scouts) dead in the snow. It was resolved to withdraw the force from Waikaremoana to Wairoa, carrying back the captives, and making the lake so desolate and foodless that none could dwell on its borders. Hapurona had met his brother chiefs at Ruatuhuna, north of Waikaremoana. As the Uriwera now held aloof from Te Kooti, operations could be continued against him without endangering Hapurona's efforts to induce his countrymen to surrender.

In June, occasion was taken to present to Ropata, Rangihīwinui, and Mokena Kohere, then in Wellington, the swords sent to them by the Queen. Rangihīwinui returned to his own place. He and Topia claimed and received payment for their

followers at the rate of four shillings a day. For less than £15,000 they had done successfully what an enormous expenditure under others had failed to do. It would be difficult to exaggerate the military deserts of their companion, Ropata Wahawaha. He took the field again in the end of July. At Opotiki he negotiated again for the peaceful surrender of the Uriwera. He urged that the Uriwera prisoners in Wellington should be liberated, in which case the wanderers might surrender. Mr. McLean replied that they should not be hung. Ropata sent a chief, Kawakura, to prevail on Tamai-kowha to surrender. He consented, but haughtily said that it would have been better if he who had done him wrong by midnight murder had apologized. Te Kooti, deserted, weak, and starving, was yet venomous. He made a faint repetition of his former surprises. With about two-score of miserable followers he appeared in midwinter (the 26th July, 1870) at Tolago Bay, on the east coast. As on a previous occasion, he hoped to deceive the friendly Maoris, master them by treachery, and obtain ammunition. A Maori addressed him as Te Kooti. He said, "I am Major Ropata, do not fear." While blandishment was tried in one direction, surprise was attempted in another. Some of the band assaulted a pah in which the coveted gunpowder was supposed to lie, but were beaten off, and the discomfited marauders retreated to the mountains by the way they had come, followed by Captain Porter with 100 men. An attempt was made to surprise Te Kooti at dawn on the 31st July, but it was clumsily executed, and only a woman was caught. She said that there were only 21 men and five women left with Te Kooti. Ropata, with 70 men, meanwhile arrived at Tolago Bay, and started on the 3rd August on the outlaw's track. Of the prisoners captured at Maraetahi, 34 had at this time been tried at Wellington. Thirty were sentenced to death for "levying war against the Queen;" two were acquitted for want of proof, and two the Attorney-General declined to prosecute. The sentences of death were commuted to penal servitude. It will not be necessary to trace Ropata's succeeding campaigns, but his diary of a winter journey in 1871 may be quoted: "9th June. Too slippery to travel. . . . 10th June. The wet might be

travelled through if it were not for the biscuit, as both hot and cold water destroy it; however, it is no use talking about the wet, as it is man that has defied the winter. 11th June. Sunday. Started again without taking into consideration that it is Sunday. All that was thought of was the fine weather, so that some portion of the way might be got over, and that if possible success might crown our efforts in finding the place where this wretch (Te Kooti) has taken up his abode. . . . 12th June. . . . In speaking about Te Ahimanu, the narration makes it appear a short distance, but when travelled it is a very long road—nothing but climbing hills and going down into valleys; by the time the top of one hill has been gained it is night, and by the time the bottom has been arrived at it is night again. This country is very rough; there is nothing equal to it; and the days are so short that no distance can be travelled before dark. If it were a beach or plain it could be travelled by night, but there is nothing here but cliffs, creeks, hills, bush, fern, and everything that is bad. 13th June. . . . Oh! these troubles. But I and the Ngatiporou will yet seek revenge for these difficulties if we can only come face to face. Perhaps we shall all die from the cold and snow, and the biting wind. No; we will not die from the cold. If we were the offspring of Ruaimoko we might! But as it is we are the offspring of Tongia, who thought of weaving and making the rough garment the Pake. . . . Thinking of our ancestor Tongia causes these remarks: his thoughtfulness has descended on us. . . . Perhaps some of our friends think that we only go through ordinary troubles of an expedition. Can it be decided by those who are in comfortable places what the extent of the work is? No; its magnitude can only be imagined or arrived at by treading it with the feet. . . .”

On the expedition preceding the capture of Maraetahi, Lieut. Porter pictured the whole of Ropata's force winding along a mountain crest, and only obtaining drink by seizing moist bark from prostrate trees and squeezing water into vessels; and (he said) doing it cheerfully. The same officer (a Captain in 1871), describing a march of 11 hours under Ropata on the Waioeka, wrote: “The whole line has been through a deep gorge, over immense rocks, 20 to 30 feet in height, which we had to climb,

lowering ourselves by holding on to one another's rifles. In crossing the falls and rapids many of the men were washed off their feet. . . . Ropata and I have great difficulty in keeping the men from lighting fires. It seems very hard indeed to deny ourselves this small comfort, miserably wet and half-fed as we all are." One day they found a letter from Te Kooti to a friend. "Be on your guard. Leave everything to me. Be very wary. I know not when I may return." They captured in March, 1871, one of Te Kooti's people, who led them to a concealed pah at Haupapa. At three o'clock in the morning it was surrounded, but the robber's den was empty, and had been deserted for many days. Some rifles were found. At other places fugitives were surprised and secured. Te Kooti himself, in midwinter, was thought to be living on pigeons, pigs, and berries. Ropata's men were for some days reduced to the last-named article. Te Kooti fired upon some men under command of Captain Preece, in the Waikaremoana district, in August, 1871; and when Captain Mair pursued with a strong force, a letter from Te Kooti was found posted in the hut which he had occupied the night before. It was: "To all the Government," and bade them cease to pursue him, as he was living in his own place, in the bush. He spoke of future fighting, and concluded thus: "If you despise these words, who cares? They are for you.—From your enemy."<sup>1</sup> Close watch was kept to guard the

<sup>1</sup> In juxtaposition with Ropata's diary it may be well to include here, some prayers, which the learned Mr. Colenso tells us were written by Te Kooti with his own hand in his pocket memorandum-book; very much worn with constant usage, and more than once repaired by stitching it together with fibres of New Zealand flax.

1. *A Prayer used in the Chatham Islands.*

O God, if our hearts arise from the land in which we now dwell as slaves, and repent and pray to Thee and confess our sins in Thy presence, then, O Jehovah, do Thou blot out the sins of Thy own people, who have sinned against Thee. Do not Thou, O God, cause us to be wholly destroyed. Wherefore it is that we glorify Thy Holy Name. Amen.

2. *A Prayer on going to bed. . . .*

3. *A Prayer offered in the night while in bed. . . .*

4. *A Prayer on rising from bed. . . .*

5. *Another Prayer on rising from bed. . . .*

6. *A Prayer for deliverance from foes.*

O Jehovah, Thou art the God who deliverest the people repenting,

passes to the Waikato district, but it was not close enough to keep out Te Kooti. From the date of his disaster at Maraetahi, for nearly two years he clung to the mountain fastnesses at the south of Opotiki. Neither he nor Kereopa after the campaigning of Ropata became a terror in the land. Te Kooti could but crawl unnoticed into the territory of the king. Kereopa dragged out a miserable half-starved existence, spurned even by those in whose mountain-home he was hidden. Whether Ropata could at an earlier date have brought the wanderer's career to a close has been doubted by some. At last, when Ropata had threatened to build a pah in Uriwera territory unless the tribe would assist in the capture of Kereopa, a chosen band of Ngatiporou, guided by Uriwera information, laid hands upon the outcast in November, 1871, and carried him to Napier. In gaol he made a desperate attempt to cut his own throat with a knife, but the prison warders averted such a horror in order that he might be lawfully strangled. Tried and convicted, he admitted to the Bishop of Waiapu the justice of his sentence, and was hanged. Sir G. Bowen told the Secretary of State that his surrender to the civil authorities proved "the softened manner of the native race," inasmuch as in former times he would when captured by clansmen of his victims, have been "forthwith shot or hanged with tortures, or mutilations similar to those inflicted by himself."

From the ghastly picture of the dusky murderer on the gallows, the mind turns with relief to another portion of the Governor's despatch. Rangihwinui, with other chiefs, pleaded at Wanganui with Sir G. Bowen in December, 1871, for the release of the prisoners captured by their swords,—offering to be responsible for the good conduct of those who might be released. Fifty-eight still remained in Dunedin, and the punishment of Kereopa was allowed to be the signal for their release. Mr.

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therefore do Thou listen hither this day to the prayer of Thy servant concerning our enemies. Let them be destroyed and turned to flight by Thee. Let their counsels be utterly confounded, and their faces be covered with sadness and confusion. And when thou sendest forth Thy Angel to trample our enemies to the earth, through Thee also shall all their bones be broken to pieces. Glory to Thy Holy Name. Amen.

(These prayers were printed at Napier after Mr. Colenso had faithfully translated them.)

McLean counselled it, and went in person to the south to bring them back with distinction. Early in 1872 there was no political prisoner in New Zealand. Though it is needless to narrate in detail the toils of Ropata in the Uriwera mountains, it may be well to mention in this place one of the results. When, in December, 1870, the Duke of Edinburgh with Sir G. Bowen visited Turanga and Maketu, and was escorted by the Arawa to their lakes, Te Waru availed himself of the presence of the Queen's son, and with 46 followers tendered his submission at Maketu. "Though dejected" (Sir G. Bowen wrote), "he maintained, in the presence of His Royal Highness the Duke of Edinburgh and myself, the usual dignified bearing of Maori warriors." He surrendered under the terms of proclamations which guaranteed freedom and land to him. He was never accused of murder. Significant returns<sup>1</sup> were laid before the Assembly. Within the year ending in June, 1869, it appeared that 279 rebels had been killed and 242 wounded. In the succeeding year 116 were killed, 453 were captured, and 361 surrendered. The loss on the side of the Government was mainly under Colonels McDonell and Whitmore, on the west coast. The Europeans killed in the year ending June, 1869, were 143; the wounded were 101. In the following year there were 12 killed and 26 wounded. Amongst the Maoris slain by the rebels, 57 were killed by Te Kooti at Mohaka, in April, 1869. His ferocity can be explained, but not excused, by the fact that a Colonial Minister had offered a price for his body dead or alive, had paid £50 for the head of Nikora, and had sanctioned the slaughter in cold blood of every rebel captured at Ngatapa, a place which bears in the published returns the ominous reputation of having seen 136 Maoris killed, and not one prisoner.

Before adverting to the meeting of the General Assembly in June, 1870, it may be well to glance at the condition of affairs among the Maoris in the western and northern districts. In Waikato lands were allotted to "returned rebels" on a scale by which a "man of rank" received 50 acres, his wife 33 acres, and a further portion was allowed for children. When mother and father had both fallen in the war, land was granted to orphans, "in proportion to the rank of their parents." There was peace

<sup>1</sup> N. Z. P. P. 1869, A. No. 3, G; 1870, D. No. 37.

between the hot-blooded Ngapuhi and Rarawa in the far north. A great assembly (hahunga) to celebrate the removal of the bones of a chief, Arama Karaka, was held at Waima. Three thousand Maoris were present, and 1000 fighting-men took part in the customary war-dance. The hosts, the Ngapuhi, excluded wines and spirits, but there was munificent provision of food. The Rarawa guests brought presents of food to the Ngapuhi. The ceremony lasted for three days. More than sixty Europeans were hospitably entertained. The crier, in announcing the allotment of food, pronounced that three separate lots were for the Pakehas. On the second day the widow of Arama Karaka carried on her back the bones of her husband and of her child to the place prepared for them. The day and night were spent in chant and dance. In the morning 100 women, wearing wreaths of fern and willow, moved towards the body in harmonious gesture of the "kanikani," in which hands and arms keep time with the footfall; and then they burst forth into piteous wailing for the dead. Among the chiefs the orations breathed friendliness to the English. Old Poihipi Tukeraingi, at Lake Taupo, aided the Government in its policy of making roads. Already vehicles could pass from Taupo by Runanga to Napier. The astute old chief urged the Government not to spend their money for nought in running after Te Kooti, but to make roads, build a few strongholds, and then, at any moment, they could crush him or any other foe. The Government thanked him for his zeal. Roads through the Taranaki province, and thence to Waikato and Taupo, were contemplated; but under Mr. McLean's influence Mr. Fox had learned wisdom. He told Mr. Parris that, the natives being uneasy at the "forcing of a road through between Taranaki and Opunake, the greatest care must be taken not to provoke ill-feeling and create distrust in the native mind as to the objects of the Government. If any symptoms of serious dissatisfaction appear, cease at once to press matters." Mr. McLean instructed Parris to confer with the natives about the line between Patea and Taranaki, and ascertain their willingness to co-operate before allowing an officer to survey the line. Among those with whom Parris conferred was Rako, a grandson of Rangitake. Many chiefs took contracts for sections of the roads, and punctual



payment on completion of their work commended it to their minds. There was telegraphic communication with Lake Taupo from the east coast, and from the west. In all directions the arms of the Maoris were called in to subdue their country by their own labour to the uses of the colonists. Titokowaru, after fleeing from the face of Rangihwinui in 1869, remained quiet in the hills at the Upper Waitara.

On the 14th June, 1870, a few days before the presentation of swords to Rangihwinui, Ropata, and Mokena, the General Assembly met at Wellington. The Governor congratulated it on the field operations conducted by Majors Rangihwinui, Ropata, and Topia, and intimated that measures for renewing the great work of colonization would be brought before them. It was significant of Mr. Fox's state of mind, that in the Governor's speech the opening of steam communication with the principal port of the United States on the Pacific was dwelt upon as a substantial benefit, while the fact that it "also afforded speedy communication with Great Britain" was added as a minor matter. No allusion was made to the removal of the last body of English troops—the disappearance of the English flag—the silencing of the stirring sounds which reminded Englishmen that the symbol of their country's military power was amongst them. It had been taken from them when they had almost abjectly entreated Earl Granville to delay its departure, and when the Assembly had solemnly guaranteed by law to provide for the necessary cost of maintaining it. Colonel Elliot, in February, had sent off the last detachment. After a thankless service, in which it could not but be plain to them that they were compelled to fight in wars unjustly provoked by some of their countrymen, the severance had come, and the kindly feelings of man toward man made the parting bitter. At Auckland, Napier, Wanganui, and Taranaki, they were accompanied to the shore with demonstrations of regret at their departure. In March, Mr. Fox summed up his feelings in a lengthy memorandum sent by himself to the New Zealand Commissioners in England, and by the Governor to Earl Granville. The Earl's policy, he said, tended to the disintegration of the empire. "The action of the Imperial Government was not only unfriendly, but scarcely reconcilable with

any other motive than a desire to drive New Zealand from the empire." If the new policy should be persisted in, Ministers were convinced it must create in the minds of colonists "a rankling feeling of alienation from the mother-country," which would be "handed down to the future inhabitants of New Zealand." Before the calling of the Assembly, Mr. Fox had asked the Governor to send a memorandum (from Mr. Fox), to open up direct negotiations with the Government of the United States; but Sir G. Bowen proffered no more than to send it to the Secretary of State, through whose good offices it might find its way to its destination from the Foreign Office. These dilatory pleas (approved by Lord Kimberley) suited ill with Mr. Fox's temperament, and his letter found its way into the newspapers. Sir George Grey was reported to be inclined to a declaration of independence. Dr. Featherston, one of the Commissioners in England, and Mr. Sewell, also in the mother-country, were said to be of the same mind. Independence or annexation to the United States were openly spoken of in New Zealand. The London 'Spectator' insinuated that but for a sudden change of style in despatches from the Colonial Office, and the guarantee accorded to the New Zealand Commissioners for a new loan, separation had become probable. The induction of Lord Kimberley at the Colonial Office in July, 1870, produced a change. Under the provocation received from Lord Granville, Mr. Fox was not anxious to give prominence in the Governor's speech to the advantage of "speedy communication with Great Britain;" nor were his colleagues in good humour. Mr. Vogel and Mr. McLean, in telegraphing the "brilliant successes" of Rangihwinui and Ropata to the Commissioners in England, added: "But for England's desertion we believe we could establish permanent peace." In March, 1870, Mr. Fox formally desired that the Panama mail line might be "the commencement of friendly relations" with the United States, and that the American Government would "in future be willing to allow the New Zealand Government to communicate with them direct in matters affecting the relations between the two countries." The theories of Professor Goldwin Smith and the acts of Earl Granville were apparently on the high road to success. Donald McLean's native policy assured the position of the Ministry.

With the session of 1870 the existing House of Representatives was to close its labours. The Treasurer, Mr. Vogel, determined to avail himself of the majority at the disposal of the Government by initiating a new policy. He laid upon the table vast piles of financial tables, and he proposed in his Budget speech to borrow six millions sterling for defence, immigration, public works, and other purposes. By 48 votes against 7 the second reading of the "Defence and other purposes Loan Bill" was carried on the 2nd August, and by 45 votes against 7 the Immigration and Public Works Loan Bill was carried on the 3rd. Never was the path to debt followed with greater unanimity. Railways were to be constructed. More loans loomed in the distance, to construct them. Mr. Vogel thought that 1500 or 1600 miles of railway would be required; that with  $2\frac{1}{2}$  millions of acres of land and £7,500,000 the railways might be made; and that about £1,000,000 more would be needed to carry out his other proposals. He exhibited elaborate calculations (such as were never wanting to a projector), which showed that in ten years the rapidly-increasing receipts would overbalance the expenditure of the colony. The Commissioners in England had reported that the Imperial Government was willing to guarantee a loan of one million sterling for public works and immigration, which would save £20,000 a year by means of the superiority of a guaranteed to an unguaranteed loan. He proposed to propitiate the provinces by giving to each of them a grant of £2 per head of population. The whole grant would be half a million sterling. Otago and Southland would thus obtain £140,000; Auckland, £124,000. The grant was to be diminished gradually till it fell to 30s. per head. Caught with the glitter of the thirty pieces of silver, a majority accepted the bait.

The decline in the character of the representation where a crowd of gold-seekers overwhelm at the polling-booths those who have a wholesome and permanent interest in the soil was as marked in New Zealand as in Australia. Thousands of the same men who had taken part in degrading the Legislature of Victoria, now exercised similar influence in the land of the Maoris; and the general toleration extended to the new Treasurer proved that the decay in moral worth had infected large sections of the community. It placed its future in pawn,

and was at the mercy of the pawnbroker. In him it could find only a prophet whose god was money, but for the time it had discarded from its care the weightier matters which contribute to the true welfare of a people. Like a young spendthrift in the hands of a Jew, and bent on a wild career, it trampled on the maxims of prudence and the ungrateful compunctions of conscience. Mr. Vogel's financial propositions were substantially accepted. Four millions sterling were authorized, by enactment, to be raised for immigration and public works, and one million was devoted to defence and other purposes. The provinces secured their portion by a Payments to Provinces Act.

Mr. Fox deserves credit for the passing of a Bill to found the University of New Zealand. On the 20th July, a Joint Committee of both Houses reported that it was desirable to establish at once a Colonial University, and there was no opposition to the passing of the necessary Bill. There were peculiar facilities for appropriating reserves of land to the University in New Zealand. Grants of 10,000 acres in various places were allotted. Mr. Tancred, one of the earliest responsible Ministers in the colony, was elected Chancellor of the University as soon as it was formally constituted, and Mr. Hugh Carleton Vice-Chancellor. For such posts the new blood of the colony furnished no competitors. Mr. Fitzherbert, Mr. Stafford, and other members of the General Assembly appeared on the list of the governing body. Thus at the very time when it adopted a policy which pointed to money as the *τὸ καλόν*, the be-all and the end-all of national prosperity, the foundation was laid of a counteracting principle which might recall men's minds to higher purposes. To give their due to those who worship at the shrine of Plutus, they commonly, because it is considered a mark of liberal views, are ready to sanction expenditure on that intellectual culture for which they care so little. With vulgar indifference they patronize the knowledge to whose behests they pay no heed. Mr. Richmond from the Opposition benches moved a series of resolutions declaring the propriety of legislation to provide for the education of the people in all parts of the country. He contemplated school-rates, inspection of schools, and secular instruction by the State combined with facilities for imparting religious instruction out of school-hours and at the charge of parents or

friends. A conscience clause was to be strictly maintained in denominational schools which might be subsidized by the State. An amendment to excise the details of the plan and commit the House to no more than a general recommendation, was rejected, and Mr. Richmond carried his resolutions without a division. A resolution to secure the independence of Parliament by excluding place-men and by barring ex-members from offices of emolument for a stated time after vacating their seats, was thrown out by a narrow majority of four, the Ministry contending against the curb thus sought to be placed upon them. They were willing to profess purity, but not to give to the country any security against corruption. An attempt to abolish existing provincial boundaries and divide the colony into two provinces, of which the North Island was to be one, was got rid of by the previous question. The convocation of the Assembly at Wellington was not universally consented to. There were some, amongst whom were two of the Fox Ministry, who desired that the next session should be held at Auckland. A Representation Bill engrossed the serious attention of the Representatives. Mr. Fox proposed to confer more members on the Middle Island than on the Northern Island, but after obtaining the assent of the House to general resolutions, referred them to a Committee of 20 members for revision. All resistance on the part of Mr. Stafford was overwhelmed by Government majorities, and the Bill was passed. The Maori representation, by four members, was left untouched. The European members were fixed at 74. Vote by ballot was enacted in a separate measure which was amended in the Council. The Representatives appointed a Committee on the 10th August to prepare reasons for disagreement, but the Committee was discharged on the 24th, and the one disputed amendment was agreed to. A minority opposed the Immigration and Public Works Bill in the Council, but the second reading was passed by 25 votes against 8. Mr. Mantell, Colonel Whitmore, Colonel Kenny, and Mr. Pharazyn were in a minority which recorded a protest against the measure, because it would bind the future colonists weightily and unfairly;—gave too great latitude to the Government, and provided no sufficient check upon its acts; afforded no security that the works would be prudently undertaken, be remunerative, or proportioned to

the growth of population and revenue; contemplated alienation of extensive tracts of land without conditions as to settlement and occupation, and would therefore restrict the growth of population and of the revenues on which the loan was to be secured; and because being dangerously vague and speculative it was calculated to inflict "much misery in the early future, and perhaps shame and disaster in the sequel."

Many such predictions are falsified in colonies, not because the evils they denounce are baseless, but because the spread of population in virgin territories carries with it so many unforeseen advantages that, not by reason, but in spite, of legislative blunders the growing community advances. Maugre all ill-treatment colonies often thrive; but, to borrow an illustration from Sydney Smith, their growth no more arises from their treatment than the ruddy cheeks of an urchin in the street are due to his ragged clothes. The protest in the Council did not retard Mr. Vogel. The victories of Ropata, Rangihwinui, and Topia, and Mr. McLean's truce with the Maori king, had lulled apprehensions about native affairs; and mounted on his new battle-horse the propounder of the loan scheme determined to ride off in the flush of success to negotiate in London the loans which had been authorized, and thereby to pave the way for a career amongst London brokers.

One of Mr. McLean's devices in 1870 to convince the Maori king of the advantages of friendly relations deserves mention. Te Whero Whero, or Potatau, before taking up his abode at Ngaruawahia had resided near Auckland on land granted to him by the Government. McLean laboured to induce Tawhiao to accept the mesne profits from the land abandoned by his father, and after some reluctance, or show of resistance, Tawhiao consented to receive the money (£600) through the hands of Mr. Hettit, a settler connected by marriage with Rewi. The transaction, though kept secret, was one which gave power to McLean: for if it were made public the enemies of Tawhiao would not fail to taunt him with receiving a pension. A Bill to provide for the construction of railways authorized under the Immigration and Public Works Act, and the concomitant Loan Act, underwent serious discussion. The Council had made alterations, some of which were opposed by the Government.

The Representatives disagreed with the amendments, and asked for a free conference, which was held. Agreement was not arrived at in conference. The Council returned the Bill with a message inquiring whether the Representatives "still insisted upon their objections to the amendments." Mr. Vogel moved that the vote to disagree with the amendments in the Bill be rescinded, and by 24 votes against 15 his motion was carried.

Both Houses took up the subject of the Imperial policy towards the colony. A Committee of the Council prepared an address to the Queen, "relative to the line of conduct lately pursued by Her Majesty's Government towards the colony of New Zealand." It enumerated the woes of New Zealand, and regretted, "that a feeling of estrangement and even antagonism towards the colony has been lately manifested by your Majesty's advisers." Earl Granville had rashly and prematurely published unfriendly despatches before the colony could guard against their ill effects. The policy pursued "had raised a belief that there is a desire to drive the colony into separation from the mother-country, which belief has already caused great bitterness of feeling, and is likely to result, if the policy be continued, in lasting enmity." Her Majesty was besought to command Ministers to "I reserve the integrity of the empire until it shall appear to your Majesty, to the British Parliament, and to the colonists themselves, that it is no longer desirable that New Zealand should continue to be a dependency of the Crown." In the last resort they prayed that a Commission might be sent from England to inquire into their grievances. The Speaker, the Chairman of Committees, and some of those who from early days had been respected by their fellows and honoured by the Crown, were members of the Committee, and if there had been no prospect of change the address might have been carried. But kind words of some of Earl Granville's colleagues had made their way to New Zealand; the Commissioners, Bell and Featherston, had been courteously received in England, and there was a yearning in men's minds towards the land of their forefathers. An amendment was moved to declare the inexpediency of addressing Her Majesty, but asserting the contentment of the Council with the vigorous statement of the case of New Zealand in the ministerial memoranda which had been



sent to England for distribution. Eventually it was resolved : "That in the opinion of this Council the best interests of New Zealand will be consulted by remaining an integral part of the British Empire. That this Council regrets the course adopted by the Home Government towards the colony, but as the causes of dispute have been satisfactorily discussed by the Colonial Government, and as an indication of a desire to preserve a friendly feeling towards the colony has been made by the Home Government, it is undesirable to make any further reference to past misunderstandings." A shorter and less affectionate motion was made in the House of Representatives. Mr. McGillivray, a new member of the House, moved on the 30th June : "That this House is of opinion that the Imperial Government has failed in its duty to the colony"—and it was not until the 28th July that after adjourned debates the motion was withdrawn. At that date the intention of the Government to raise loans to pay fixed sums to provinces was known to be acceptable to the members and to their constituencies. The Treasurer wished to go to England with the credit of the colony in his hand, and it would have been irksome to him if he had been encumbered with such a resolution as that of Mr. McGillivray. In debate, Mr. Miller, on the side of the loyalists, declared that the colonists should address the mother-country in the language of Horace to Mæcenas, and was loudly cheered when he uttered the words : *Non ego perfidum dixi sacramentum.*

Amongst the papers laid before the Assembly in the session of 1870 were letters and despatches which passed between Sir George Grey and Earl Granville early in the year, on the subject of the prisoner of war put to death without trial. The Commissioners saw Lord Granville in January, 1870. They reported that their reception was friendly and courteous. They consulted Lord Napier of Magdala about the employment of Sikhs or Ghoorkas, from which for various reasons he dissuaded them. They were unable to shake Earl Granville's resolution to recall the 18th Regiment, but they induced him to "absolutely disavow any wish on the part of the Government to abandon New Zealand, or to bring about separation between this country and the colony ;"—a disavowal which he communicated in a despatch in which he condescended to say, that his views respecting the

modified recognition of Maori authority, and the extent and consequences of the confiscation policy, might be right or wrong, and that he fully admitted that the decision on such questions rested entirely with the New Zealand Government;—an admission to which Mr. Fox retorted that it was much to be regretted that the Earl had so positively published statements which he confessed might be right or wrong, knowing that the publication would seriously embarrass those who, on his own showing, were responsible in the matter. As to the Earl's disavowal of a separate policy, Mr. Fox's colleagues accepted it "as meant to convey the feelings of the time Earl Granville was writing. They cannot suppose that it in the least affects the accumulated evidence from different parts of the world that Her Majesty's Ministers previously favoured a policy having for its end a more or less speedy disintegration of the empire. It is gratifying to think that the representations made on behalf of New Zealand may have had some share in leading to this change."

Though sometimes vaguely stared at as if the gazer expected to see them tattooed, the Commissioners were welcomed in England, not as foreigners but as fellow-subjects, by distinguished persons. They accepted an offer of a guarantee of a loan of one million sterling for immigration and public works as a measure of conciliation which would be deemed in New Zealand "a proof of goodwill," and their telegram to that effect (received in those days by ship-carriage from Ceylon) had a soothing effect upon the minds of members then occupied with financial considerations. Earl Granville trusted that the waiving by the Government of certain objections to guarantees of loans would "be received by the colonists of New Zealand as a proof of the deep interest which Her Majesty's Government feel in the welfare and prosperity of this great possession of the Crown."

A more acceptable proof was the substitution of Earl Kimberley for Earl Granville in Downing Street. A Bill was brought into the Imperial Parliament to give effect to the loan guarantee. Mr. Fox relented under these accumulating proofs, and in the prorogation speech the Governor congratulated the Assembly "on the friendly feeling towards New Zealand which the Commissioners sent to Great Britain to communicate with

the Imperial Government have succeeded in establishing." Mr. Sewell, also, who was said to have advocated separation, consented to these amicable phrases. He had returned to New Zealand, and in June, 1870, joined the Fox Ministry as Minister of Justice. The labours of the New Zealand Assembly terminated on the 13th September. Amongst other enactments was one which, first brought forward by Mr. R. R. Torrens in Adelaide, had commended itself to all Australasian colonies. It simplified the transfer of real property. It swept away the cobwebs clinging to titles and prevented them from again accumulating. The Registrar or Commissioner of Titles having once given a certificate, the title was disburdened of doubt, and conveyances from hand to hand became as easy, to use a favourite simile of the author of the measure, as the transfer of shares in a ship. The principle was greedily accepted by the public. In one or two of the colonies, where the personal advocacy of Mr. Torrens was wanting, lawyers succeeded in encumbering the enactment with technicalities which he excluded in South Australia, but neither legal nor administrative opposition, however obstinate, could stay the march of the reform. The session produced about a hundred Acts. In all these the influence of a new order of things was reflected. The electoral rolls of 1869 showed that miners' rights or other special qualifications gave more than 20,000, while all other interests in the colony gave less than 37,000 votes for the House of Representatives. The folly and the fate of the colony is to be read in these figures. Wherever the spirit of gambling and recklessness cared to meddle, it was dominant.

In 1870, a question about tariffs distracted, not the colonists, but their rulers. Protective duties in Victoria had caused discussion about tariffs, and the provision which debarred any Australian colony from imposing differential duties. Intercolonial conferences dealt with the subject on more than one occasion in Sydney and Melbourne; and Mr. Vogel, soon after he became Treasurer, represented New Zealand at one of them. When it was found that prohibitive duties cramped commerce their advocates sought a remedy, not by freedom of intercourse with the world, but by special relaxations favourable to immediate neighbours with whom it seemed absurd to wage restrictive war. The

general obligations of the empire in foreign relations were pleaded politely by Earl Kimberley, and were not denied, but it was averred that they ought not to bar the colonies from admitting produce *inter se* free from duty or otherwise.

Mr. Stafford's Ministry had no sooner resigned than the Governor made a special request that Mr. Stafford, Mr. Fitzherbert, Mr. Hall, Mr. J. C. Richmond, and Colonel Haultain might receive Her Majesty's permission to retain the title of Honourable. The blazonry of his post was ever congenial to the Earl, and he lost no time in conveying Her Majesty's gracious approval of the retention of the title in New Zealand. But unexpected obstacles arose. Many people thought that New Zealand would be annexed to a great nation whose Constitution places titles of nobility under a ban. And, moreover, about the Order of St. Michael and St. George there was a tawdry glitter contrasting strangely with Orders honoured among Englishmen. A greater than Lord Granville, Herman Merivale, a scholar and a ripe one, a professor of political economy, had written an article<sup>1</sup> denouncing in scathing language the re-furbishing of the new colonial Order of knighthood. Both the Order itself and the manner in which its distinctions were conferred were calculated to degrade it. "If I were to affirm broadly," he said, "that the established usage under which the Crown distributes honours on the advice of party leaders at home as well as in the colonies, deadens the public appreciation of these chivalrous rewards, gives them an ineffaceable stain of vulgarity, demoralizes patriotic impulse, tends to lower even the standard of popular respect for the Crown itself, I should doubtless be charged with gross exaggeration. But I should appeal to the judgment of such as will throw aside inveterate prepossessions, and consider the question with impartial philosophy." If Lord Granville were to succeed in detaching New Zealand from the British Empire, colonists might pause before covering their coats with the last patches of mud sprinkled from the departing wheels of the chariots in which men sat with the liveries of the Queen. Mr. Merivale's censure would have more life than Earl Granville's grace. Mr. Stafford and Mr. Richmond, noticing that their titles were limited to New Zealand, declined the proffered

<sup>1</sup> 'Fortnightly Review,' February, 1870.

honour. The Governor assiduously persuaded them that refusal would appear like discourtesy, and after some months they withdrew their refusals rather (they said) than allow him to be placed in a false position. They explained that it was not the local limitation which was objectionable, but the invidious distinction implied, if a permanent honour conferred by the Sovereign on subjects domiciled in England were recognized throughout the empire while a permanent honour conferred on a subject in New Zealand was locally restricted.

Lord Kimberley acknowledged Sir George Bowen's despatch, but did not discuss the question. When, for a few weeks in 1872, Mr. Fox and his colleagues lost office, the same request was made on their behalf "in conformity with (what Sir George Bowen termed) the established practice." It would be difficult to establish a worse practice. In a community gathered together from all lands, adventurers may for a time by popular professions obtain popular honours. To make their brief success an established passport to permanent honour may sully the favours of Downing Street, but cannot ennoble the receivers. At the end of 1870, a different debt of honour was paid in New Zealand. Te Puni, the Ngatiawa patriarch, the protector of the New Zealand Company at Wellington in the days of its weakness, died nearly 90 years old at his residence, Petoni. His last public appearance had been at a *levée* held by the Duke of Edinburgh at Wellington in 1869. The Government ordered a funeral at public cost. Members of the Ministry were pall-bearers with Maori friends. The Bishop of Wellington read the service. Mr. Donald McLean addressed the Maoris eloquently in their own tongue, acknowledging the gratitude due by the colonists to Te Puni. The pioneers of English civilization stood round the grave, with Maoris, as the old chief was laid to rest according to the rites of the Church of England to which he belonged. The Volunteer Rifles and Artillery attended in full force to pay military honours. In due time a special message of sympathy from the Queen was sent to the family and tribe of Te Puni. At the end of 1871, another chief, Taringa Kuri, a Ngatiawa, supposed to be the only remaining Maori who had seen Captain Cook, died at an age computed to exceed 100 years; and Waka Nene, the Ngapuhi chief, passed away about

the same time. Old Maoria with its representatives was fading visibly away. The honours paid to Te Puni were rendered just before the colonists were again called upon to welcome the Duke of Edinburgh. At Tauranga he was welcomed, with the Governor, by 700 of the Arawa and Ngaiterangi tribes. A chief, who had fought against the English at the Gate Pah, was loud in his loyal and figurative congratulations. Thence to Maketu the Prince proceeded, and saw the spot where Maori tradition declares that the Arawa canoe landed the tribe, who, like the Argonauts, took the name of their vessel, but gave a more enduring title to their descendants. They took pride in giving a guard of honour to the son of the Queen; they enjoyed the exhibition of his activity and endurance in the journey through the territory to the hot lakes, and to the matchless terraces of Rotomahana. At Ohinemutu, on their return, they paused on Sunday by the waters of Lake Rotorua. A missionary read the service of the Church of England. A little knot of Englishmen were with the Prince; a large congregation of Maoris repeated the responses and joined in the hymns in their own sonorous language, amidst that lake and mountain scenery, under which irrepressible fires are raging;—on a spot renowned in Maori legend, and where, within living memory, human victims had been sacrificed, and the abomination of cannibal feasts had been held. It was on the following day that at Maketu the chief, Te Waru, with 46 followers, surrendered on the terms which had been offered to him by McLean through the mouth of Ropata te Wahawaha.

The Duke of Edinburgh was popular with all with whom he came into contact, and his influence may have created a kindly feeling in other minds as well as amongst the Maoris. Moreover, Lord Kimberley had earned a new reputation for Downing Street. The readiness with which he had gained it proved the wantonness with which Earl Granville had turned men's minds to disaffection. In a memorandum, dated 30th December, 1870, on the subject of colonial defence, in case of war "between Great Britain and any foreign nation," Mr. Fox "reiterated the expression of the loyalty of the colony to the Crown, and of anxiety that it should always be preserved as an integral portion of the empire." Armed with letters of introduction from the

Governor, Mr. Vogel, as Treasurer and Postmaster-General, sailed for America and England to negotiate postal arrangements with the United States, and arrange in London the financial affairs of New Zealand.

The General Assembly was dissolved by proclamation at the end of 1870. It had been elected for five years in 1866, and was therefor on the eve of effluxion. It remained to be seen whether the elections in 1866, which confirmed Mr. Stafford's power, would reflect a similar reply in 1871; or whether, under the bribe of untold money for the general government and for the provinces, the policy of discounting the present by drafts on the future—the bane of many an heir—was to be endorsed. The ballot was for the first time used in New Zealand at the election in 1871. Though no ground of expediency in practice can justify the conversion of a public trust to a private act, the opponents of the ballot in New Zealand, as well as in other countries, were constrained to admit that it tended to peace and order. The magician who had bewitched the dazzled colonists thought it wise to be absent; his presence might mar success. The colony, committed to his policy, could hardly repudiate it, while, with common consent, he was promoting it abroad. The butcher-claimant of the Tichborne estates, when the mother of the dead heir visited him in Paris, turned his face to the wall and would not speak. The woman was more likely to believe in him in proportion as she saw him less. Recognition being once established, the rest would follow. The office of Agent-General for New Zealand in London, created by the Public Works and Immigration Act of 1870, was conferred upon Dr. Featherston, who had acted with Mr. Dillon Bell as one of the Commissioners in England.

END OF VOLUME II.









